

FACE SHEET

(See Instructions on Reverse)

FOR FILING ADMINISTRATIVE REGULATIONS
WITH THE OFFICE OF ADMINISTRATIVE LAW

ORD #383-25

8309271

FILED

In the office of the Secretary of State
of the State of California

OCT 14 1983

At 3:58 o'clock P.M.

MARCH FONG EU, Secretary of State

By Mayore Herschberger
Deputy Secretary of State

RECEIVED FOR FILING

SEP 27 10 48 AM '83

ADMONDED
APPROVED FOR FILING

OCT 14 1983

Office of Administrative Law

LEAVE BLANK

1. ATTACHED ARE REGULATIONS ADOPTED,
AMENDED OR REPEALED BY:

Department of Social Services

(AGENCY)

BY:

(AGENCY OFFICER AUTHORIZED TO SUBMIT REGULATIONS)

LEAVE BLANK

AGENCY CONTACT PERSON AND POSITION

Jerry Demorest, Regulations Analyst

TELEPHONE

323-0881

2. Indicate California Administrative Code Title and specify sections to be amended, adopted, and/or repealed:

SECTIONS AMENDED

Title: _____

SECTIONS ADOPTED

SECTIONS REPEALED

MPP Section 43-106.2

3. TYPE OF ORDER (CHECK ONE)

☒ Regular

☐ Emergency
(Attach Finding of Emergency)

☐ Certificate of Compliance

Other Regulatory Actions:

☐ Procedural and Organizational
Change

☐ Editorial Correction

☐ Authority and Reference
Citation Change

4. IS THIS ORDER A RESUBMITTAL OF A PREVIOUSLY DISAPPROVED OR WITHDRAWN REGULATION?

☒ No

☐ Yes, if yes give date of previous filing _____

5. IS THIS FILING A RESULT OF THE AGENCY'S REVIEW OF EXISTING REGULATIONS?

☒ No

☐ Yes

6. IF THESE REGULATIONS REQUIRED PRIOR REVIEW AND APPROVAL BY ANY OF THE FOLLOWING AGENCIES, CHECK THE APPROPRIATE BOX OR BOXES.

☐ State Fire Marshal
(Attach Approval)

☐ Building Standards Comm.
(Attach Approval)

☐ Fair Political Practices Comm.
(Include FPPC Approval Stamp)

☐ Department of Finance
(Attach STD. Form 399)

7a. PUBLICATION DATE OF NOTICE IN CALIFORNIA
ADMINISTRATIVE NOTICE REGISTER

April 29, 1983

b. DATE OF ADOPTION OF REGULATION(S)

September 22, 1983

c. DATES OF AVAILABILITY OF MODIFIED
REGULATION(S) (GOV. CODE SEC. 11346.8(c))

8. WAS THIS REGULATORY ACTION SCHEDULED ON YOUR AGENCY RULEMAKING CALENDAR?

☒ No

☐ Yes

9. EFFECTIVE DATE OF REGULATORY CHANGES: (SEE GOVERNMENT CODE SECTION 11346.2 AND INSTRUCTIONS ON REVERSE)

a. ☐ Effective 30th day after filing with the Secretary of State.

b. ☐ Effective on _____ as required by statutes: (list) _____

c. ☐ Effective on _____ (Designate effective date *earlier than* 30 days after filing with the Secretary of State pursuant to Government Code Section 11346.2(d).)

☐ Request Attached

d. ☒ Effective on November 30, 1983 (Designate effective date *later than* 30 days after filing with the Secretary of State.)

INSTRUCTIONS FOR STD 400
(OAL-4)

A completed Face Sheet for Filing Regulations With the Office of Administrative Law must be attached to the front of each of the seven copies of the regulations. Note that at least one Face Sheet must contain an original signature of the agency officer authorized to submit regulations.

Part 1. Provide agency name and signature of the agency officer. Also provide the name and telephone number of the person who can answer questions regarding this regulatory filing.

Part 2. Provide the Administrative Code Title in which the regulation will appear and list each section number to be amended, adopted, or repealed.
(Attach additional sheets if necessary.)

Part 3. Check appropriate box. If other than a regular or emergency filing or certificate of compliance, check the appropriate box under "Other Regulatory Action." Note: Procedural and organizational changes, editorial corrections and authority and reference citation changes are reviewed and are subject to OAL approval.

Part 4. Check appropriate box.

Part 5. Regulatory activity resulting from the agency's review of existing regulations should be submitted in a separate filing. If not submitted separately, regulations not resulting from the review and any material in the rulemaking file relating to them must be clearly identified.

Part 6. Certain regulatory activities must be reviewed and approved by other state agencies prior to submittal to OAL. Regulations subject to prior approval include:

- a. Fire and panic safety regulations (Gov. Code Sec. 11342.3).
- b. Building standards as defined in Section 18969 of the Health and Safety Code (Gov. Code Sec. 11343).
- c. Conflict of Interest regulations (Gov. Code Sec. 87300 et seq.).

Note: Regulations that have a fiscal impact on state, local or federal government or result in reimbursable costs to local government or school districts should be discussed with the Department of Finance. See Government Code Sections 11346 5(a) (6), 11349.1 and S.A.M. Sections 6050-6057.

Part 7. a. Provide the publication date of the Notice Register in which the initial notice regarding these regulations appeared.

b. Provide the date on which the regulatory agency adopted the regulation(s).

c. If the regulations were modified subsequent to the hearing or written comment period, provide the date the modified regulations were made available to the public. Note that this date must be at least 15 days prior to the date indicated in (b.) above.

Part 8. Check appropriate box. This information is for statistical purposes.

Part 9. Effective Dates—check one of the following:

- a. If regulations are to be effective 30 days after filing with the Secretary of State.
- b. If an effective date other than (a.) is required by statute, provide the date and the statutory citation(s).
- c. If a designated effective date is being requested, please include a letter specifying the date the regulation(s) should take effect and the reason for the earlier effective date. Requests are granted by OAL for good cause shown.
- d. If an effective date later than (a.) is requested, provide the date.

Filing Requirements

The following material must be submitted when filing regulations with OAL:

- Seven (7) copies of the regulations. Note: Use underline/strikeout to indicate changes in an existing section. Repeal of an entire section may be indicated by placing a diagonal slash through text. For adoption of new section, underscore is not required.
- A completed Face Sheet for Filing Regulations With the Office of Administrative Law, form STD 400 (OAL-4) attached to the front of each copy of the regulations, with at least one Face Sheet bearing an original signature.
- Complete rulemaking file, with index and sworn statement (See Government Code Section 11347.3 for full list of rulemaking file contents and Appendix 13 of OAL Regulations Handbook for a rulemaking file checklist.)

Repeal Section 43-106.2.

43-106 ASSIGNMENT OF SUPPORT RIGHTS (Continued)

43-106

•2 Assignment of Support Rights Includes Both Spousal Support (Alimony) and Child Support

- R
E
P
E
A
L
- 21 Enforcement of existing AFDC spousal support orders is a mandatory function under the IV-D State Plan. Enforcement of spousal support orders in non-AFDC cases is optional under the IV-D State Plan.
 - 22 FFP is available for enforcement of existing AFDC spousal support cases and these collections also qualify for incentive funds. FFP is not available in non-AFDC cases.
 - 23 Spousal support collections received by the county shall be distributed pursuant to Section 43.203.
- R
E
P
E
A
L

Authority: Welfare and Institutions Code Sections 10553, 10554.

Reference: Section 11349.1 of the Government Code and Welfare and Institutions Code Sections 11475(a) and 11475.1, 45 CFR Sections 302.31 and 302.33.

FOR FILING ADMINISTRATIVE REGULATIONS
WITH THE OFFICE OF ADMINISTRATIVE LAW

ORD #1081-82

RECEIVED FOR FILING
SEP 23 10 23 AM '83

ADMINISTRATIVE LAW
ENDORSED
APPROVED FOR FILING

OCT 14 1983

Office of Administrative Law

LEAVE BLANK

1. ATTACHED ARE REGULATIONS ADOPTED,
AMENDED OR REPEALED BY:

Department of Social Services

(AGENCY)

BY:

Rosale Clark for
Linda S. McMahon
(AGENCY OFFICER AUTHORIZED TO SUBMIT REGULATIONS)

83 09232
FILED
In the office of the Secretary of State
of the State of California

OCT 14 1983

At 3:58 o'clock P.M.

MARCH FONG EU, Secretary of State

By *Marjorie Hershberger*
Deputy Secretary of State

LEAVE BLANK

AGENCY CONTACT PERSON AND POSITION

Jerry Demorest, Regulations Analyst

TELEPHONE

323-0881

2. Indicate California Administrative Code Title and specify sections to be amended, adopted, and/or repealed:

SECTIONS AMENDED

Title: MPP 44-133.63

SECTIONS ADOPTED

SECTIONS REPEALED

3. TYPE OF ORDER (CHECK ONE)

☐ Regular

☐ Emergency
(Attach Finding of Emergency)

☐ Certificate of Compliance

Other Regulatory Actions:

☐ Procedural and Organizational
Change

☒ Editorial Correction

☐ Authority and Reference
Citation Change

4. IS THIS ORDER A RESUBMITTAL OF A PREVIOUSLY DISAPPROVED OR WITHDRAWN REGULATION?

☒ No

☐ Yes, if yes give date of previous filing

5. IS THIS FILING A RESULT OF THE AGENCY'S REVIEW OF EXISTING REGULATIONS?

☒ No

☐ Yes

6. IF THESE REGULATIONS REQUIRED PRIOR REVIEW AND APPROVAL BY ANY OF THE FOLLOWING AGENCIES,
CHECK THE APPROPRIATE BOX OR BOXES.

☐ State Fire Marshal
(Attach Approval)

☐ Building Standards Comm.
(Attach Approval)

☐ Fair Political Practices Comm.
(Include FPPC Approval Stamp)

☐ Department of Finance
(Attach STD. Form 399)

7a. PUBLICATION DATE OF NOTICE IN CALIFORNIA
ADMINISTRATIVE NOTICE REGISTER

N/A

b. DATE OF ADOPTION OF REGULATION(S)

N/A

c. DATES OF AVAILABILITY OF MODIFIED
REGULATION(S) (GOV. CODE SEC. 11346.8(c))

N/A

8. WAS THIS REGULATORY ACTION SCHEDULED ON YOUR AGENCY RULEMAKING CALENDAR?

☐ No

☐ Yes

9. EFFECTIVE DATE OF REGULATORY CHANGES: (SEE GOVERNMENT CODE SECTION 11346.2 AND INSTRUCTIONS
ON REVERSE)

a. ☒ Effective 30th day after filing with the Secretary of State.

b. ☐ Effective on _____ as required by statutes: (list) _____

c. ☐ Effective on _____ (Designate effective date *earlier than* 30 days after filing with the Secretary
of State pursuant to Government Code Section 11346.2(d).)

☐ Request Attached

d. ☐ Effective on _____ (Designate effective date *later than* 30 days after filing with the Secretary of
State.)

By editorial correction codify the MPP Section 44-133.63 "Introductory Paragraph" to read Section 44-133.631:

44-133 TREATMENT OF INCOME - AFDC (Continued)

44-133

.6 Income in Cases Where A Stepparent Resides In The Home (Continued)

.63 Computation of Income to the FBU (Continued)

.631 The stepparent's income deemed available to the FBU is determined as follows:

Authority: Welfare and Institutions Code Sections 10553 and 10554.

Reference: Welfare and Institutions Code Section 11008.14; 45 CFR 233.20(a)(3)(xiv).

FACE SHEET
FOR FILING ADMINISTRATIVE REGULATIONS
WITH THE OFFICE OF ADMINISTRATIVE LAW
AND WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11343.1)

RECEIVED FOR FILING

MAR 24 1982

Office of Administrative Law

ENDORSED
APPROVED FOR FILING

MAR 24 1982

Office of Administrative Law

DO NOT WRITE IN THIS SPACE

Copy below is hereby certified to be a
true and correct copy of regulations
adopted, or amended, or an order of
repeal by:

Department of Social Services

(Agency)

68000

(Billing Code)

Date of adoption, amendment, or repeal:

By: Manning Woods

Director

(Title)

ENDORSED - FILED

In the office of the Secretary of State
of the State of California

MARCH FONG EU, Secretary of State

MAR 24 1982

DO NOT WRITE IN THIS SPACE

The attached regulations which are being adopted, amended or repealed are contained in Title _____
of the California Administrative Code.
Division, Part, Chapter, etc., affected by this order: _____

TYPE OF ORDER (Check as applicable)

- ☒ Emergency (Attach Finding of Emergency)
☐ Certificate of Compliance
☐ Certificate of Non-Compliance

- ☐ Regular
☐ Procedural and Organizational

CHECKLIST OF MANDATORY REQUIREMENTS

- ☒ One Certified Copy With Original Signature and
Six Copies of Order or Certificate of
Compliance Attached
☒ Regulation Summary (Form 690) _____
Attached (1 copy)
☐ Publication Date (in Notice Register) of
Notice for Attached Order or Certificate of
Compliance is _____
☒ Authority and Reference Citation Placed
Beneath Each Section in Attached Order
☒ Cost Statement Attached (Refer to SAM
Section 6050)

Effective Date:

- ☐ On _____ as Specified by Statute _____
_____, or
☐ On _____, if Later Than 30 Days After
Filing With the Secretary of State
(Emergency regulations will be effective upon
filing with the Secretary of State; all other
regulations will be effective 30 days after
filing with the Secretary of State.)
☒ April 2, 1982
☒ Rule-Making File

BUILDING STANDARDS (Check one)

- ☒ These regulations contain no building standards under Health and Safety Code Sections 18900-18915.
☐ These regulations do contain building standards under Health and Safety Code Sections 18900-18915. The attached copy contains Building Standards approval.

CONFLICT OF INTEREST (Check one if attached are Conflict of Interest Regulations)

The attached Conflict of Interest Regulations contain the FPIC approval stamp and:

- ☐ Are to be published in full in the Administrative Code.
☐ Are to be codified by appropriate reference in the Administrative Code, and include a statement as to where the full text may be obtained.

CAMPAIGN DISCLOSURES (Check if emergency Campaign Disclosure Regulations)

- ☐ These are emergency regulations pertaining to campaign disclosure law and were adopted by unanimous vote of all board or commission members present at the regulation adoption proceeding.

Adopt new Section 44-133.63 as follows:

.6 Income in Cases Where a Stepparent Resides in the Home (Continued)

.63 Computation of Income to the FBU

The stepparent's income deemed available to the FBU is determined as follows:

- (a) Determine the stepparent's net nonexempt income according to the provisions in Chapter 44-100; however, when determining net earned income only the standard work expense disregard in Section 44-113.214 shall be allowed. The dependent care expense disregard in Section 44-113.215 and the \$30 and 1/3 disregard in Section 44-113.216 shall not be allowed.
- (b) Deduct any amounts actually paid by the stepparent to persons not living in the home but who are, or could be, claimed by him/her as dependents for purposes of determining his/her federal personal income tax liability.
- (c) Deduct any child support and alimony payments made by the stepparent to persons not living in the home.
- (d) Deduct the MBSAC amount for members of the stepparent unit.

AUTHORITY: Welfare and Institutions Code Sections 10553 and 10554

REFERENCE: Welfare and Institutions Code Section 11008.14 (1981-82 First Extraordinary Session, Chapter 3, Section 6 and Section 20) and 45 CFR 233.20 (a) (3) (xiv)

FACE SHEET
(OAL-4)

(See Instructions on Reverse)

ORD #783-48

FOR FILING ADMINISTRATIVE REGULATIONS
WITH THE OFFICE OF ADMINISTRATIVE LAW

RECEIVED FOR FILING

OCT 4 11 49 AM '83

OFFICE OF
ADMINISTRATIVE LAW

ENDORSED

APPROVED FOR FILING

OCT 14 1983

OFFICE OF ADMINISTRATIVE LAW
LEAVE BLANK

1. ATTACHED ARE REGULATIONS ADOPTED,
AMENDED OR REPEALED BY:

Office of Administrative Law
for Department of Social Services

(AGENCY)

BY:

Rosalie Clark

(AGENCY OFFICER AUTHORIZED TO SUBMIT REGULATIONS)

FILED

In the office of the Secretary of State
of the State of California

OCT 14 1983

At 3:58 o'clock P.M.

MARCH FONG EU, Secretary of State

By *Margaret L. Hershberger*
Deputy Secretary of State

LEAVE BLANK

AGENCY CONTACT PERSON AND POSITION

Dion Webb, Regulations Analyst

TELEPHONE

445-0313

2. Indicate California Administrative Code Title and specify sections to be amended, adopted, and/or repealed:

SECTIONS AMENDED

Title: 63-038

SECTIONS ADOPTED

SECTIONS REPEALED

3. TYPE OF ORDER (CHECK ONE)

☐ Regular

☐ Emergency
(Attach Finding of Emergency)

☐ Certificate of Compliance

Other Regulatory Actions:

☐ Procedural and Organizational
Change

☒ Editorial Correction

☐ Authority and Reference
Citation Change

4. IS THIS ORDER A RESUBMITTAL OF A PREVIOUSLY DISAPPROVED OR WITHDRAWN REGULATION?

☒ No

☐ Yes, if yes give date of previous filing

5. IS THIS FILING A RESULT OF THE AGENCY'S REVIEW OF EXISTING REGULATIONS?

☐ No

☒ Yes

6. IF THESE REGULATIONS REQUIRED PRIOR REVIEW AND APPROVAL BY ANY OF THE FOLLOWING AGENCIES,
CHECK THE APPROPRIATE BOX OR BOXES.

☐ State Fire Marshal
(Attach Approval)

☐ Building Standards Comm.
(Attach Approval)

☐ Fair Political Practices Comm.
(Include FPPC Approval Stamp)

☐ Department of Finance
(Attach STD. Form 399)

7a. PUBLICATION DATE OF NOTICE IN CALIFORNIA
ADMINISTRATIVE NOTICE REGISTER

September 2, 1983

b. DATE OF ADOPTION OF REGULATION(S)

September 15, 1983

c. DATES OF AVAILABILITY OF MODIFIED
REGULATION(S) (GOV. CODE SEC. 11346.8(c))

8. WAS THIS REGULATORY ACTION SCHEDULED ON YOUR AGENCY RULEMAKING CALENDAR?

☒ No

☐ Yes

9. EFFECTIVE DATE OF REGULATORY CHANGES: (SEE GOVERNMENT CODE SECTION 11346.2 AND INSTRUCTIONS
ON REVERSE)

a. ☐ Effective 30th day after filing with the Secretary of State.

b. ☐ Effective on _____ as required by statutes: (list) _____

Upon filing with the

c. ☒ Effective on Secretary of State (Designate effective date *earlier than* 30 days after filing with the Secretary
of State pursuant to Government Code Section 11346.2(d).)

☒ Request Attached

d. ☐ Effective on _____ (Designate effective date *later than* 30 days after filing with the Secretary of
State.)

Amend Section 63-038 to read:

63-038 IMPLEMENTATION OF AMENDED SUA REVISIONS

63-038

Effective on ~~October~~ November 1, 1983, CWDs shall implement the amendments to the SUA revisions, as follows:

1. Upon the effective date of these regulations, the amended revisions shall be applied to all new applications.
2. Currently certified households shall be converted to the amended revisions by the time of recertification.

This order implements changes to Sections 63-300.516, .534, 63-502.361, and .363.

Authority: Welfare and Institutions Code Sections 10553 and 18904.

Reference: Welfare and Institutions Code Section 18902 and 7 CFR 272.1(g).

FACE SHEET
FOR FILING ADMINISTRATIVE REGULATIONS
WITH THE OFFICE OF ADMINISTRATIVE LAW

ORD #183-9

8308303

RECEIVED FOR FILING

AUG 30 2 49 PM '83

OFFICE OF
ADMINISTRATIVE LAW
ENDORSED
APPROVED FOR FILING

OCT 14 1983

Office of Administrative Law

LEAVE BLANK

1. The attached are true and correct
copies of regulations adopted,
amended, or repealed by:

Department of Social Services
(Agency)

8/25/83
(Date)

By: Janet S. McKechnie
(Agency Officer with Rule-making
Authority)

FILED

In the office of the Secretary of State
of the State of California

OCT 14 1983

At 3:58 o'clock P.M.

MARCH FONG EU, Secretary of State

By: Margaret Herndlberger
Deputy Secretary of State
LEAVE BLANK

AGENCY CONTACT PERSON AND POSITION

Dion Webb, Regulations Analyst

TELEPHONE NUMBER

445-0313

2. Indicate California Administrative Code Title and specify sections to be amended, adopted,
and/or repealed:

Title _____

Sections Amended: MPP ~~63-025, 502, and 503~~ 63-503

Sections Adopted: _____

Sections Repealed: _____

3. Type of Order:

a. ☐ Regular

b. ☐ Emergency (attach Finding of Emergency)

c. ☒ Other Regulatory Action:

☒ Certificate of Compliance

☐ Procedural and Organizational Changes

☐ Editorial Correction

☐ Authority and Reference Citation Changes

d. Check one: ☐ ALL ☐ SOME ☒ NONE of the regulatory changes in this order are the result
of the agency's review of existing regulations (see instructions in Part 3(b) on reverse).

e. ☐ This order is a resubmittal of previously disapproved or withdrawn regulations.

f. These regulations ☐ DO ☒ DO NOT contain building standards as defined in Section 18909
of the Health and Safety Code.

g. ☐ These are Conflict of Interest regulations containing the FPPC approval stamp and:

☐ Are to be published in full in the Administrative Code.

☐ Are to be codified by appropriate reference in the Administrative Code.
(Include a statement as to where the full text may be obtained.)

h. ☐ These are fire and panic safety regulations containing State Fire Marshal approval.

4. Effective Date of Regulatory Changes: Upon filing with the Secretary of State.

Government Code Section 11346.2 provides that a regulation is effective on the 30th day
after the date of filing with the Secretary of State. If an exception is desired, see the
instructions on reverse. Check the appropriate box and fill in the appropriate information
below.

a. ☐ On _____ as required
by statutes: _____

b. ☐ On _____ (Designated
Effective Date earlier than 30 days
after filing with the Secretary of
State pursuant to Government Code
Section 11346.2(d)).

c. ☐ On _____ (Designated
Effective Date later than 30 days after
filing with the Secretary of State).

CERTIFICATE OF COMPLIANCE - Section 11346.1(e), Government Code

The Department of Social Services hereby certifies that it has complied with the provisions of Sections 11346.4 through 11346.8 inclusive of the Government Code, within 120 days of the effective date of the following emergency regulations which were filed with the Secretary of State on May 5, 1983, and which became effective on May 5, 1983.

Manual of Policy and Procedures, Division 63, Chapters 300 and 500, Sections:

AmendedAdopted

63-300
63-502
63-503
63-504

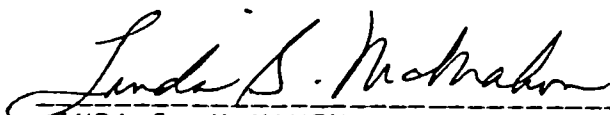
63-025

These regulations were presented at public hearing on July 20, 1983.

As a result of the public hearing process the following sections have been:

Amended

63-025
63-502
63-503



LINDA S. MCMAHON
Director

8/25/83
Date

Amend Section 63-503.551 to read:

63-503 DETERMINING HOUSEHOLD ELIGIBILITY AND BENEFIT
LEVEL (Continued)

63-503

•5 Households with Special Circumstances (Continued)

•55 Treatment of Income and Resources of Other Nonhousehold
Members (Continued)

- 551 For those nonhousehold members that have not been disqualified, such as SSI recipients the income and resources of the nonhousehold member shall not be considered available to the household. Case payments from the nonhousehold member to the household will be considered income under the normal income standards set in Section 63-502.1. Vendor payments, as defined in Section 63-502.2, shall be excluded as income. If the household shares deductible expenses with the nonhousehold member, only the amount actually paid or contributed by the household shall be deducted as a household expense. If the payments or contributions cannot be differentiated, the expenses shall be prorated evenly among persons actually paying or contributing to the expense and only the household's pro rata share deducted.

When actual expenses of the remaining household members cannot be differentiated, the utility expenses shall be prorated when actual expenses are claimed. The standard utility allowance shall not be prorated.

Authority: Welfare and Institutions Code Sections 10553 and 18904.

Reference: Welfare and Institutions Code Section 18901; 7 CFR Section 273.9(d)(6).

FACE SHEET
(OAL-4)

(See Instructions on Reverse)

FOR FILING ADMINISTRATIVE REGULATIONS
WITH THE OFFICE OF ADMINISTRATIVE LAW

ORD #183-9

8310063

RECEIVED FOR FILING

OCT 6 3 05 PM '83

ENDORSED

APPROVED FOR FILING

OCT 14 1983

Office of Administrative Law
LEAVE BLANK

1. ATTACHED ARE REGULATIONS ADOPTED,
AMENDED OR REPEALED BY:

Department of Social Services
(AGENCY)

BY:

(AGENCY OFFICER AUTHORIZED TO SUBMIT REGULATIONS)

FILED

In the office of the Secretary of State
of the State of California

OCT 14 1983

At 3:58 o'clock P.M.

MARCH FONG EU, Secretary of State

By Mayjorie Hershberger
Deputy Secretary of State
LEAVE BLANK

AGENCY CONTACT PERSON AND POSITION

Dion Webb, Regulations Analyst

TELEPHONE

5-0313

2. Indicate California Administrative Code Title and specify sections to be amended, adopted, and/or repealed:

SECTIONS AMENDED

Title: 63-025

SECTIONS ADOPTED

SECTIONS REPEALED

3. TYPE OF ORDER (CHECK ONE)

☐ Regular

☐ Emergency
(Attach Finding of Emergency)

☐ Certificate of Compliance

Other Regulatory Actions:

☐ Procedural and Organizational
Change

☒ Editorial Correction

☐ Authority and Reference
Citation Change

4. IS THIS ORDER A RESUBMITTAL OF A PREVIOUSLY DISAPPROVED OR WITHDRAWN REGULATION?

☒ No

☐ Yes, if yes give date of previous filing

5. IS THIS FILING A RESULT OF THE AGENCY'S REVIEW OF EXISTING REGULATIONS?

☐ No

☒ Yes

6. IF THESE REGULATIONS REQUIRED PRIOR REVIEW AND APPROVAL BY ANY OF THE FOLLOWING AGENCIES,
CHECK THE APPROPRIATE BOX OR BOXES.

☐ State Fire Marshal
(Attach Approval)

☐ Building Standards Comm.
(Attach Approval)

☐ Fair Political Practices Comm.
(Include FPPC Approval Stamp)

☐ Department of Finance
(Attach STD. Form 399)

7a. PUBLICATION DATE OF NOTICE IN CALIFORNIA
ADMINISTRATIVE NOTICE REGISTER

July 20, 1983

b. DATE OF ADOPTION OF REGULATION(S)

May 5, 1983

c. DATES OF AVAILABILITY OF MODIFIED
REGULATION(S) (GOV. CODE SEC. 11346.8(c))

8. WAS THIS REGULATORY ACTION SCHEDULED ON YOUR AGENCY RULEMAKING CALENDAR?

☐ No

☐ Yes

9. EFFECTIVE DATE OF REGULATORY CHANGES: (SEE GOVERNMENT CODE SECTION 11346.2 AND INSTRUCTIONS
ON REVERSE)

a. ☐ Effective 30th day after filing with the Secretary of State.

b. ☐ Effective on _____ as required by statutes: (list) _____
upon filing with the

c. ☒ Effective on Secretary of State (Designate effective date **earlier than** 30 days after filing with the Secretary
of State pursuant to Government Code Section 11346.2(d).)

☒ Request Attached

d. ☐ Effective on _____ (Designate effective date **later than** 30 days after filing with the Secretary of
State.)

Memorandum

To : Office of Administrative Law
1414 K Street, Suite 600
Sacramento, CA 95814

Date : October 4, 1983

Subject: Food Stamp Standard
Utility Allowance -
ORD #183-9

Attn: Maureen Reilly

From : Department of Social Services

The Department of Social Services requests that:

1. The Office of Administrative Law amend by editorial correction Section 63-025 in ORD #183-9, OAL #83-0830-3. Revised language is attached.
2. Section 63-502.363 as amended and submitted with the Certificate of Compliance dated August 30, 1983 be withdrawn. This section, if filed at this time, will cause current regulation to be inconsistent with federal provisions and the state will therefore be out of compliance.

As discussed in prior conversations, and noted in the final statement of reasons, Section 63-503.551 does meet the dictates of Government Code Section 11346.8c due to the fact that its inclusion, as part of the regulation package, was in response to testimony. Had this change not been made; regulations would have been inconsistent.

Lastly, an immediate effective date was requested in an effort to make the multitude of changes that were occurring complete. It was hoped that by completing the process less confusion would take place at the county level and as much lead-time as possible could be given to the counties to implement the regulations.



Rosalie Clark, Chief
Office of Regulations Development

Attachments

Amend Section 63-025 to read:

63-025 IMPLEMENTATION OF PRORATED STANDARD
UTILITY ALLOWANCE

63-025

Effective May 5, 1983 the on the date these regulations are filed with the Secretary of State, CWDs shall prorate implement these provisions on the prorated Standard Utility Allowance, for multiple households, pursuant to changes in Division 63, Chapters 63-300; 63-502.361, .362, and .363; 63-503.543; and 63-504.341, made in compliance with promulgated by Public Law 97-253 [7 USC 2014(e)], as follows:

- .1 Upon the effective date of these regulations, these provisions shall be applied to all new applications.
- .2 Currently certified households shall be converted at the time of recertification.

This order implements changes in Division 63 of the Manual of Policies and Procedures, Sections 63-300, 502, 503, and 504.

Authority: Welfare and Institutions Code Section 18904.

Reference: Welfare and Institutions Code Section 18901; 7 CFR Sections 272.1(g)(50) and 273.9(d)(6).

FACE SHEET
FOR FILING ADMINISTRATIVE REGULATIONS
WITH THE OFFICE OF ADMINISTRATIVE LAW

ORD #183-7

8300233

RECEIVED FOR FILING

SEP 23 10 24 AM '83

OFFICE OF
ADMINISTRATIVE LAW
ENDORSED
APPROVED FOR FILING

OCT 20 1983

Office of Administrative Law

LEAVE BLANK

1. The attached are true and correct copies of regulations adopted, amended, or repealed by:

Department of Social Services the office of the Secretary of State
(Agency) of the State of California

9/19/83
(Date)

By: Linda S. McPherson
(Agency Officer with Rule-making Authority)

FILED

the office of the Secretary of State
of the State of California

OCT 20 1983

At 4:20 o'clock P.M.

MARCH FONG EU, Secretary of State

By: Marjorie Hershberger
Deputy Secretary of State
LEAVE BLANK

AGENCY CONTACT PERSON AND POSITION

Diane Moritz Glazer

TELEPHONE NUMBER

3-0885

2. Indicate California Administrative Code Title and specify sections to be amended, adopted, and/or repealed:

Title _____

Sections Amended: 44-207.222(b); 44-207.33

Sections Adopted: _____

Sections Repealed: _____

3. Type of Order:

a. ☒ Regular

b. ☐ Emergency (attach Finding of Emergency)

c. ☐ Other Regulatory Action:

- ☐ Certificate of Compliance
☐ Procedural and Organizational Changes
☐ Editorial Correction
☐ Authority and Reference Citation Changes

d. Check one: ☐ ALL ☐ SOME ☒ NONE of the regulatory changes in this order are the result of the agency's review of existing regulations (see instructions in Part 3(b) on reverse).

e. ☐ This order is a resubmittal of previously disapproved or withdrawn regulations.

f. These regulations ☐ DO ☒ DO NOT contain building standards as defined in Section 18909 of the Health and Safety Code.

g. ☐ These are Conflict of Interest regulations containing the FPIC approval stamp and:

- ☐ Are to be published in full in the Administrative Code.
☐ Are to be codified by appropriate reference in the Administrative Code.
(Include a statement as to where the full text may be obtained.)

h. ☐ These are fire and panic safety regulations containing State Fire Marshal approval.

4. Effective Date of Regulatory Changes:

Government Code Section 11346.2 provides that a regulation is effective on the 30th day after the date of filing with the Secretary of State. If an exception is desired, see the instructions on reverse. Check the appropriate box and fill in the appropriate information below.

a. ☐ On _____ as required by statutes:

c. ☒ On January 1, 1984
December 1, 1983 (Designated Effective Date later than 30 days after filing with the Secretary of State).

b. ☐ On _____ (Designated Effective Date earlier than 30 days after filing with the Secretary of State pursuant to Government Code Section 11346.2(d)).

Amend Section 44-207.222(b) to read:

44-207 INCOME ELIGIBILITY

44-207

•2 150 Percent Income Limit for Eligibility (Continued)

•22 Applying the 150 Percent Income Limit (Continued)

•222 Anticipated Income (Continued)

- (b) When the estimated income exceeds the 150 percent income limit, the FBU shall be ineligible for the payment month and aid shall be discontinued. For a month in which income is to be retrospectively budgeted (see Section 44-313.2) and for purposes of applying Section 44-207.222 only, estimated income shall not include the anticipated receipt of a regular and periodic extra paycheck.

Authority: Welfare and Institutions Code Sections 10553 and 10554.

Reference: Welfare and Institutions Code Section 11265.1 and 45 CFR 233.34.

Amend Section 44-207.33 to read:

44-207 INCOME ELIGIBILITY (Continued)

44-207

.3 Financial Eligibility (Continued)

- .33 Financial eligibility shall be determined on the basis of actual net nonexempt income or a reasonable estimate of net nonexempt income expected to be received during the month. Such an estimate must be based on all relevant information available to the county and the recipient. For a month in which income is to be retrospectively budgeted (see Section 44-313.2) and for purposes of applying Section 44-207.33 only, estimated income shall not include the anticipated receipt of a regular and periodic extra paycheck. An FBU which received aid for a month based on a reasonable estimate of net nonexempt income shall not later be considered financially ineligible if actual net nonexempt income exceeds the estimate.

Authority: Welfare and Institutions Code Sections 10553 and 10554.

Reference: Welfare and Institutions Code Section 11265.1 and 45 CFR 233.34.

FACE SHEET
(OAL-4)

(See Instructions on Reverse)

FOR FILING ADMINISTRATIVE REGULATIONS
WITH THE OFFICE OF ADMINISTRATIVE LAW

ORD# 1182-59

83-1012-2

RECEIVED FOR FILING

OCT 12 3 03 PM '83

OFFICE OF
ADMINISTRATIVE LAW

ENDORSED

APPROVED FOR FILING

OCT 21 1983

Office of Administrative Law

1. ATTACHED ARE REGULATIONS ADOPTED,
AMENDED OR REPEALED BY:

State Department of Social Services

(AGENCY)

BY:

Rosalie Clark

(AGENCY OFFICER AUTHORIZED TO SUBMIT REGULATIONS)

FILED

In the office of the Secretary of State
of the State of California

OCT 21 1983

At 4:14 o'clock P.M.

MARCH FONG EU, Secretary of State

By *Marjorie Hershberger*
Deputy Secretary of State

LEAVE BLANK

AGENCY CONTACT PERSON AND POSITION

Diane Moritz Glazer, Regulations Analyst

TELEPHONE 323-0885

2. Indicate California Administrative Code Title and specify sections to be amended, adopted, and/or repealed:

SECTIONS AMENDED
MPP 45-101.1(w)

Title: SECTIONS ADOPTED

SECTIONS REPEALED

3. TYPE OF ORDER (CHECK ONE)

☐ Regular

☐ Emergency
(Attach Finding of Emergency)

☐ Certificate of Compliance

Other Regulatory Actions:

☐ Procedural and Organizational
Change

☒ Editorial Correction

☐ Authority and Reference
Citation Change

4. IS THIS ORDER A RESUBMITTAL OF A PREVIOUSLY DISAPPROVED OR WITHDRAWN REGULATION?

☒ No

☐ Yes, if yes give date of previous filing

5. IS THIS FILING A RESULT OF THE AGENCY'S REVIEW OF EXISTING REGULATIONS?

☒ No

☐ Yes

6. IF THESE REGULATIONS REQUIRED PRIOR REVIEW AND APPROVAL BY ANY OF THE FOLLOWING AGENCIES,
CHECK THE APPROPRIATE BOX OR BOXES.

☐ State Fire Marshal
(Attach Approval)

☐ Building Standards Comm.
(Attach Approval)

☐ Fair Political Practices Comm.
(Include FPPC Approval Stamp)

☐ Department of Finance
(Attach STD. Form 399)

7a. PUBLICATION DATE OF NOTICE IN CALIFORNIA
ADMINISTRATIVE NOTICE REGISTER

March 4, 1983

b. DATE OF ADOPTION OF REGULATION(S)

October 12, 1983

c. DATES OF AVAILABILITY OF MODIFIED
REGULATION(S) (GOV. CODE SEC. 11346.8(c))

not applicable

8. WAS THIS REGULATORY ACTION SCHEDULED ON YOUR AGENCY RULEMAKING CALENDAR?

☒ No

☐ Yes

9. EFFECTIVE DATE OF REGULATORY CHANGES: (SEE GOVERNMENT CODE SECTION 11346.2 AND INSTRUCTIONS
ON REVERSE)

a. ☐ Effective 30th day after filing with the Secretary of State.

b. ☐ Effective on _____ as required by statutes: (list) _____

c. ☒ Effective on filing (Designate effective date **earlier than** 30 days after filing with the Secretary
of State pursuant to Government Code Section 11346.2(d).)

☒ Request Attached

d. ☐ Effective on _____ (Designate effective date **later than** 30 days after filing with the Secretary of
State.)

Amend MPP 45-101.1(w) to read:

45-101 Definitions (Continued)

45-101

.1 (Continued)

(w) Legal Guardian means the individual appointed: 1. guardian for a minor by a juvenile court pursuant to Welfare and Institutions Code Section 366.25(e); 2. guardian of the person or of the person and estate of a child pursuant to California Probate Code Section 1514, or Section 1440 if guardianship was established prior to January 1, 1981; or 3. the individual similarly appointed by a court of competent jurisdiction of a different state. Legal guardianships established under Welfare and Institutions Code Section 366.25(e) between October 1, 1982 and the effective date of this regulation, shall be deemed to meet the requirements of this regulation.

Authority: Welfare and Institutions Code Sections 10553 and 10554.

Reference: Welfare and Institutions Code Section 366.25(e).

ORIGINAL

FACE SHEET
FOR FILING ADMINISTRATIVE REGULATIONS
WITH THE OFFICE OF ADMINISTRATIVE LAW(See Instructions
on Reverse Side)

ORD #1182-59

RECEIVED FOR FILING JUN 15 1983 Office of Administrative Law ENDORSED APPROVED FOR FILING JUL 15 1983 Office of Administrative Law LEAVE BLANK	1. The attached are true and correct copies of regulations adopted, amended, or repealed by: Department of Social Services (Agency) 6/8/83 (Date) By: <u>Linda S. McDaniel</u> (Agency Officer with Rule-making Authority)	ENDORSED FILED IN THE OFFICE OF JUL 15 4 23 PM 1983 MARCH FONG EU SECRETARY OF STATE OF CALIFORNIA LEAVE BLANK
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AGENCY CONTACT PERSON AND POSITION

Diane Moritz Glazer, Regulations Analyst

TELEPHONE NUMBER

323-0885

2. Indicate California Administrative Code Title and specify sections to be amended, adopted,
and/or repealed:

Title _____

Sections Amended: MPP 45-101.1(w)

Sections Adopted: _____

Sections Repealed: _____

3. Type of Order:

a. ☒ Regularb. ☐ Emergency (attach Finding of Emergency)c. ☐ Other Regulatory Action:

- ☐ Certificate of Compliance
- ☐ Procedural and Organizational Changes
- ☐ Editorial Correction
- ☐ Authority and Reference Citation Changes

d. Check one: ☐ ALL ☐ SOME ☒ NONE of the regulatory changes in this order are the result
of the agency's review of existing regulations (see instructions in Part 3(b) on reverse).e. ☐ This order is a resubmittal of previously disapproved or withdrawn regulations.f. These regulations ☐ DO ☒ DO NOT contain building standards as defined in Section 18909
of the Health and Safety Code.g. ☐ There are Conflict of Interest regulations containing the FPC approval stamp and:

- ☐ Are to be published in full in the Administrative Code.
- ☐ Are to be codified by appropriate reference in the Administrative Code.
(Include a statement as to where the full text may be obtained.)

h. ☐ These are fire and panic safety regulations containing State Fire Marshal approval.

4. Effective Date of Regulatory Changes:

Government Code Section 11346.2 provides that a regulation is effective on the 30th day
after the date of filing with the Secretary of State. If an exception is desired, see the
instructions on reverse. Check the appropriate box and fill in the appropriate information
below.a. ☐ On _____ as required
by statutes: _____b. ☐ On _____ (Designated
Effective Date earlier than 30 days
after filing with the Secretary of
State pursuant to Government Code
Section 11346.2(d)).c. ☐ On _____ (Designated
Effective Date later than 30 days after
filing with the Secretary of State).

ORIGINAL

Amend MPP 45-101.1(w) to read:

45-101 Definitions (Continued)

45-101

.1 (Continued)

(w) Legal Guardian means the individual appointed: 1. guardian for a minor by a juvenile court pursuant to Welfare and Institutions Code Section 366.25(e); 2. guardian of the person or of the person and estate of a child pursuant to California Probate Code Section 1514, or Section 1440, if guardianship was established prior to January 1, 1981; or 3. the individual similarly appointed by a court of competent jurisdiction of a different state. Legal guardianships established under Welfare and Institutions Code Section 366.25(e) between October 1, 1982 and the effective date of this regulation, shall be deemed to meet the requirements of this regulation.

Authority: Welfare and Institutions Code Sections 10553 and 10554.

Reference: Welfare and Institutions Code Section 366.25(e).

ORD #583-33

FOR FILING ADMINISTRATIVE REGULATIONS
WITH THE OFFICE OF ADMINISTRATIVE LAW

RECEIVED FOR FILING

SEP 26 3 02 PM '83

OFFICE OF
ADMINISTRATIVE LAW
ENDORSED
APPROVED FOR FILING

OCT 2 6 1983

Office of Administrative Law

LEAVE BLANK

1. ATTACHED ARE REGULATIONS ADOPTED,
AMENDED OR REPEALED BY:

Department of Social Services

(AGENCY)

BY:

Jenda S. McKeel

(AGENCY OFFICER AUTHORIZED TO SUBMIT REGULATIONS)

8309263

FILED

In the office of the Secretary of State
of the State of California

OCT 2 6 1983

At 4:21 o'clock P.M.

MARCH FONG EU, Secretary of State

By *Marjorie Hershberger*
Deputy Secretary of State

LEAVE BLANK

AGENCY CONTACT PERSON AND POSITION

Roy L. Howard, Regulations Analyst

TELEPHONE

445-1422

2. Indicate California Administrative Code Title and specify sections to be amended, adopted, and/or repealed:

SECTIONS AMENDED

Title: MPP Division 63, Section 63-024

SECTIONS ADOPTED

63-603.193, .194, and .195

SECTIONS REPEALED

63-603.193

3. TYPE OF ORDER (CHECK ONE)

- ☐ Regular ☐ Emergency (Attach Finding of Emergency) ☒ Certificate of Compliance
- Other Regulatory Actions:
- ☐ Procedural and Organizational Change ☐ Editorial Correction ☐ Authority and Reference Citation Change

4. IS THIS ORDER A RESUBMITTAL OF A PREVIOUSLY DISAPPROVED OR WITHDRAWN REGULATION?

- ☒ No ☐ Yes, if yes give date of previous filing

5. IS THIS FILING A RESULT OF THE AGENCY'S REVIEW OF EXISTING REGULATIONS?

- ☒ No ☐ Yes

6. IF THESE REGULATIONS REQUIRED PRIOR REVIEW AND APPROVAL BY ANY OF THE FOLLOWING AGENCIES, CHECK THE APPROPRIATE BOX OR BOXES.

- ☐ State Fire Marshal (Attach Approval) ☐ Building Standards Comm. (Attach Approval) ☐ Fair Political Practices Comm. (Include FPPC Approval Stamp) ☐ Department of Finance (Attach STD. Form 399)

7a. PUBLICATION DATE OF NOTICE IN CALIFORNIA
ADMINISTRATIVE NOTICE REGISTER

June 3, 1983

b. DATE OF ADOPTION OF REGULATION(S)

c. DATES OF AVAILABILITY OF MODIFIED
REGULATION(S) (GOV. CODE SEC. 11346.8(c))

N/A

8. WAS THIS REGULATORY ACTION SCHEDULED ON YOUR AGENCY RULEMAKING CALENDAR?

- ☒ No ☐ Yes

9. EFFECTIVE DATE OF REGULATORY CHANGES: (SEE GOVERNMENT CODE SECTION 11346.2 AND INSTRUCTIONS ON REVERSE)


- a. ☒ Effective 30th day after filing with the Secretary of State.
- b. ☐ Effective on _____ as required by statutes: (list) _____
- c. ☐ Effective on _____ (Designate effective date *earlier than* 30 days after filing with the Secretary of State pursuant to Government Code Section 11346.2(d).)
- ☐ Request Attached
- d. ☐ Effective on _____ (Designate effective date *later than* 30 days after filing with the Secretary of State.)

CERTIFICATE OF COMPLIANCE - Section 11346.1(e), Government Code

The Department of Social Services hereby certifies that it has complied with the provisions of Sections 11346.4 through 11346.8 inclusive of the Government Code, within 120 days of the effective date of the following emergency regulations which were filed with the Secretary of State on May 27, 1983, and which became effective on May 27, 1983.

Sections: Amend 63-024; repeal 63-603.193; and adopt 63-603.193, .194, and .195.

No Amendments or repealers resulted from the public hearing held on July 20, 1983.



LINDA S. MCMAHON
Director

9/23/83

Date

Amend Section 63-024 to read:

63-024 IMPLEMENTATION OF MAIL ISSUANCE^{LOSS} TOLERANCE LEVELS 63-024

1. These emergency provisions for mail issuance^{loss} tolerance levels, ~~promulgated by Public Law 97-98~~ based on provisions of the Food Stamp and Commodity Distribution Amendments of 1981 shall become effective on January 1, 1983, as follows: (7 USC 2016 (f))

.11 The mail issuance loss rates of 0.75 percent and \$2,250 as specified in 63-603.19 are effective January 1, 1983, through September 30, 1983, unless exempted by FNS.

.12 The mail issuance loss rate of 0.5 percent and \$1,500 as specified in 63-603.19 are effective October 1, 1983.

Authority: Welfare and Institutions Code Sections 18904 and 10553.

Reference: Welfare and Institutions Code Section 18902, 7 CFR Section 272.1(g)(49), Federal Register, Vol. 48, No. 69, Friday, April 8, 1983.

Repeal Section 63-603.193 and adopt new Sections 63-603.193 and .194 and .195:

63-603 MAIL ISSUANCE

63-603

.1 General Provisions (Continued)

.19 (Continued)

.193 In a county where a mail issuance system is being implemented after January 1, 1983 the EWB shall be given a grace period in which its liability shall be assessed for mail losses in excess of one percent of the dollar value of mail issuance if the county's total quarterly mail issuance is \$300,000 or more, or for mail losses in excess of \$3,000 if the county's total quarterly mail issuance is less than \$300,000 per quarter. This grace period shall be the time remaining in the fiscal quarter in which the mail issuance system was implemented.

.193 For the purpose of this section, "mail issuance" means all original coupon issuances distributed through the mail. "Mail Loss" means all replacements of mail issuance except for replacements of returned mail issuances.

.194 The CWD shall report mail loss on the FNS 259, Mail Issuance Loss Report or other reporting documents specified by SOS.

.195 The CWD shall be given a grace period from January through September of 1983 in which the mail losses in excess of .5 percent (per Section 63-603.191) shall be raised to .75 percent and mail losses in excess of \$1,500 (per Section 63-603.192) shall be raised to \$2,250 per quarter.

Authority: Welfare and Institutions Code Sections 18904 and 10553.

Reference: Welfare and Institutions Code Section 18905, 7 CFR
274.3 ~~Section 273.3~~, Federal Register, Vol. 48, No. 69,
Friday, April 8, 1983.

FACE SHEET
FOR FILING ADMINISTRATIVE REGULATIONS
WITH THE OFFICE OF ADMINISTRATIVE LAW

ORD #283-13

RECEIVED FOR FILING

SEP 26 2 55 PM '83

OFFICE OF
ADMINISTRATIVE LAW

ENDORSED

FOR FILING

OCT 27 1983

OFFICE OF ADMINISTRATIVE LAW
LEAVE BLANK

1. The attached are true and correct
copies of regulations adopted,
amended, or repealed by:

Department of Social Services
(Agency)

9/22/83

(Date)

By:

Jane S. McMahon
(Agency Officer with Rule-making
Authority)

FILED
In the office of the Secretary of State
of the State of California

OCT 27 1983

At 4:14 o'clock P.M.

MARCH FONG EU, Secretary of State

By: Penny Little
Deputy Secretary of State

LEAVE BLANK

AGENCY CONTACT PERSON AND POSITION

Jerry Demorest, Regulations Analyst

TELEPHONE NUMBER

323-0881

2. Indicate California Administrative Code Title and specify sections to be amended, adopted,
and/or repealed:

Title _____

Sections Amended: 50-050.22, .32, .324(a), .44, .452, .462, .51, .53, .711, .812,

Sections Adopted: [50-050 (et al.)] 50-050.634

Sections Repealed: _____

and .92 and
50-050.54

3. Type of Order:

a. ☒ Regular

b. ☐ Emergency (attach Finding of Emergency)

c. ☒ Other Regulatory Action:

☒ Certificate of Compliance

☐ Procedural and Organizational Changes

☒ Editorial Correction

☐ Authority and Reference Citation Changes

d. Check one: ☐ ALL ☐ SOME ☒ NONE of the regulatory changes in this order are the result
of the agency's review of existing regulations (see instructions in Part 3(b) on reverse).

e. ☐ This order is a resubmittal of previously disapproved or withdrawn regulations.

f. These regulations ☐ DO ☒ DO NOT contain building standards as defined in Section 18909
of the Health and Safety Code.

g. ☐ These are Conflict of Interest regulations containing the FPPC approval stamp and:

☐ Are to be published in full in the Administrative Code.

☐ Are to be codified by appropriate reference in the Administrative Code.
(Include a statement as to where the full text may be obtained.)

h. ☐ These are fire and panic safety regulations containing State Fire Marshal approval.

4. Effective Date of Regulatory Changes:

Government Code Section 11346.2 provides that a regulation is effective on the 30th day
after the date of filing with the Secretary of State. If an exception is desired, see the
instructions on reverse. Check the appropriate box and fill in the appropriate information
below.

a. ☐ On _____ as required
by statutes:

b. ☐ On _____ (Designated
Effective Date earlier than 30 days
after filing with the Secretary of
State pursuant to Government Code
Section 11346.2(d)).

c. ☒ On December 1, 1983 (Designated
Effective Date later than 30 days after
filing with the Secretary of State).

270

CERTIFICATE OF COMPLIANCE - Section 11346.1(e), Government Code


The Department of Social Services hereby certifies that it has complied with the provisions of Sections 11346.4 through 11346.8 inclusive of the Government Code, within 120 days of the effective date of the following emergency regulations which were filed with the Secretary of State on June 1, 1983, and which became effective on June 1, 1983.

Section 50-050 (et al.) including the final modifications to Manual of Policies and Procedures, Sections:

Amended

50-050.22
50-050.32, .323, and .324(a)
50-050.44, .452, and .462
50-050.51 and .53
50-050.631(b)(5), .631(c)(3) and (4)
50-050.634
50-050.711 and .723
50-050.811(a) and .812
50-050.914 and .92

These regulations were presented at public hearing on July 20, 1983.



LINDA S. MCMAHON
Director

9/22/83

Date

(1FR) Amend EAS Section 50-050.22 to read:

50-050 Farias v. Woods

50-050

.2 Definitions (Continued)

- .22 Application Period means the ~~15-month~~ time period in which applications for Farias v. Woods retroactive benefits will be accepted. This period shall begin June 1, 1983 and shall continue through ~~August~~ October 31, 1984.

Authority: Welfare and Institutions Code Sections 10553, 10554 and 11209.

Reference: Welfare and Institutions Code Sections 10553 and 10554; and Farias v. Woods (December 28, 1982) Superior Court, San Francisco County, No. 710-754.

(2FR) Amend EAS Sections 50-050.32, .323, and .324 to read:

50-050 Farias v. Woods

50-050

•3 Informing Potentially Eligible Persons of Availability of Retroactive Payments (Continued)

•32 In order to notify the class of potentially eligible persons, the county shall during the 15-month period from June 1, 1983 through August October 31, 1984: (Continued)

•323 Review all new applications and discontinuances which occur during this 15-month period to identify any applicants or recipients who may have been eligible to receive AFDC-BHI but who were unable to obtain these benefits because they resided with a relative; and

•324 After completing the review procedures specified in .322 and in .323 above, the county shall inform all persons identified as being potentially eligible of their right to apply for retroactive benefits in accordance with the following:

- (a) Where the potentially eligible person so identified is the AFDC child's current foster parent with whom the child is currently residing, the county shall inform the foster parent of his/her right to apply for retroactive benefits by giving him/her an application form and informational flyer either (1) in person at the redetermination interview or (2) by mail within 15 days of the review where no face-to-face interview is involved.

Authority: Welfare and Institutions Code Sections 10553, 10554 and 11209.

Reference: Welfare and Institutions Code Sections 10553 and 10554; and Farias v. Woods (December 28, 1982) Superior Court, San Francisco County, No. 710-754.

(3FR) Amend EAS Sections 50-050.44, .452, and .462 to read:

50-050 Farias v. Woods

50-050

.4 Application for Retroactive Payment (Continued)

- .44 Completed application forms shall be submitted to the proper county by ~~August~~ October 31, 1984. Applications forms received after this date shall not be processed.
- .45 If a county receives an application form for a month in which it did not issue aid on behalf of the child:
(Continued)
- .452 If the appropriate county is not known, the county shall return the forms shall be returned to the claimant with documentation an explanation as to why the claim cannot be processed and shall inform the claimant that if he/she still believes he/she received aid from that county, some form of verification of receipt of aid as specified in Section 50-050.63 must be provided to the county. It is then the claimant's responsibility to ensure the form is received by the appropriate county.
- .46 If the former child recipient, as an adult or through his/her current caretaker, applies for the retroactive benefits, the county shall determine whether the primary claimant has applied for the retroactive benefits and
(Continued)
- .462 Where the primary claimant has not yet applied for the retroactive benefits, the county shall determine whether the child (secondary claimant) is eligible for the retroactive benefits within the 60-day time period required by Section 50-050.51. If the secondary claimant is determined to be eligible for the retroactive benefits, the county shall send him/her a notice of action indicating that if the primary claimant does not apply for these retroactive benefits, payment will be made after the completion of the 15-month application period subject to the provisions of 50-050.82.

Authority: Welfare and Institutions Code Sections 10553, 10554 and 11209.

Reference: Welfare and Institutions Code Sections 10553 and 10554; and Farias v. Woods (December 28, 1982) Superior Court, San Francisco County, No. 710-754.

(4FR) Amend EAS Sections 50-050.51 and .53 to read:

50-050 Farias v. Woods

50-050

.5 Claims Processing (Continued)

- .51 Completed application forms shall be processed for eligibility determination within 60 days of the application date receipt of a completed application.
- .53 Where the secondary claimant is determined to be otherwise eligible, the warrant shall not be issued until expiration of the ~~15-month~~ application period in order to allow the primary claimant the maximum period to apply for retroactive benefits. See Section 50-050.812.

Authority: Welfare and Institutions Code Sections 10553, 10554 and 11209.

Reference: Welfare and Institutions Code Sections 10553 and 10554; and Farias v. Woods (December 28, 1982) Superior Court, San Francisco County, No. 710-754.

Editorially correct EAS Section 50-050.54 to read:

50-050 Farias v. Woods

50-050

•5 Claims Processing (Continued)

- 54 Within the 60-day eligibility determination period, the county shall ~~notify~~ send to all applicants for these retroactive benefits a notice of action of the disposition of their claim, the method of retroactive payment computation, if applicable, and of the right to request a state hearing.

Authority: Welfare and Institutions Code Sections 10553, 10554 and 11209.

Reference: Welfare and Institutions Code Sections 10553 and 10554; and Farias v. Woods (December 28, 1982) Superior Court, San Francisco County, No. 710-754.

(5FR) Editorially correct EAS Sections 50-050.631(b)(5) and 50-050.631(c)(3) and (4) to read:

50-050 Farias v. Woods

50-050

•6 Determination of Eligibility for Retroactive Payment
(Continued)

•63 Verification Requirements (Continued)

•631 (Continued)

(b) (Continued)

(5) Copies of any other official documents indicating child's welfare status during any or all the aid months in the retroactive time period.

(c) (Continued)

(3) Records of the county juvenile court which placed the child. {The county shall make diligent efforts to obtain a release from the foster child if needed to gain access to the juvenile court records}.

(4) Statements of social service or eligibility workers who remember the case based on names of such workers provided by the claimant.

Authority: Welfare and Institutions Code Sections 10553, 10554 and 11209.

Reference: Welfare and Institutions Code Sections 10553 and 10554; and Farias v. Woods (December 28, 1982) Superior Court, San Francisco County, No. 710-754.

(6FR) Adopt EAS Section 50-050.634 to read:

50-050 Farias v. Woods

50-050

.6 Determination of Eligibility for Retroactive Payment
(Continued)

.63 Verification Requirements (Continued)

.634 Should a claimant who is able to provide the necessary verification fail or refuse to provide such verification necessary to determine eligibility for retroactive benefits within the 60-day processing time limit, the application shall be denied. The denial shall not preclude reapplication of the claimant, provided that it is submitted prior to October 31, 1984.

Authority: Welfare and Institutions Code Sections 10553, 10554 and 11209.

Reference: Welfare and Institutions Code Sections 10553 and 10554; and Farias v. Woods (December 28, 1982) Superior Court, San Francisco County, No. 710-754.

(7FR) Amend EAS Sections 50-050.711 and .723 to read:

50-050 Farias v. Woods

50-050

.7 Effective Date and Computation of Retroactive Payment
(Continued)

.71 Effective Date (Continued)

.711 The effective date of retroactive payment shall be either (1) February 1, 1978 if the federally eligible child began receiving AFDC-FG or U instead of AFDC-BHI because he/she was living with a caretaker relative other than a parent prior to or on February 1, 1978; or (2) the date on which the federally eligible child began receiving AFDC-FG or U instead of AFDC-BHI after February 1, 1978 but before January 1980 the date the county implemented the Youakim regulations (DSS Manual Letter 80-1, dated February 28, 1980).

.72 Computation Methodology (Continued)

.723 The AFDC-FG or U aid paid on behalf of the child recipient is determined as follows:

- (a) If the child recipient was the only member of the FBU, the aid paid ~~is~~ shall be the entire amount of the AFDC payment.
- (b) If the child was a member of an FBU which consisted of several children who were not eligible for AFDC-BHI because they were residing with a relative other than a parent, then the aid paid for each of these children ~~is~~ shall be a prorated portion of the AFDC payment.
- (c) If the caretaker is a member of the FBU only because he/she is the child's needy caretaker relative, the aid paid ~~is~~ shall be the entire amount of the AFDC payment.
- (d) If the child was added to the caretaker relative's existing FBU, the aid paid on behalf of the added child ~~is~~ shall be the difference between the grant paid to the FBU with and without the added child.

Authority: Welfare and Institutions Code Sections 10553, 10554 and 11209.

Reference: Welfare and Institutions Code Sections 10553 and 10554; and Farias v. Woods (December 28, 1982) Superior Court, San Francisco County, No. 710-754.

(8FR) Amend EAS Handbook Section 50-050.722(a) to read:

50-050 Farias v. Woods

50-050

•7 Effective Date and Computation of Retroactive Payment
(Continued)

•72 Computation Methodology (Continued)

- 722 The retroactive payment shall be the difference between aid paid and the applicable AFDC-BHI payment after deducting the child's net nonexempt income.
(Continued)

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(a) Example:

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An AFDC-FG payment for an FBU of one child was made for the month of August 1979. The child had Social Security income of \$50. The aid paid was \$151 (~~\$201~~ less \$50). The county's AFDC-BHI rate was \$250 per month which would have resulted in an AFDC-BHI payment of \$200 (~~\$250~~ less \$50). The retroactive payment for the month of August 1979 would be \$49 which is the difference between the \$200 AFDC-BHI payment and the \$151 AFDC-FG payment.

(9FR) Adopt EAS Handbook Section 50-050.723(e) to read:

50-050 Farias v. Woods

50-050

.7 Effective Date and Computation of Retroactive Payment
(Continued)

.72 Computation Methodology (Continued)

.723 The AFDC-FG or U aid paid on behalf of the child
recipient is determined as follows: (Continued)

(e) Maximum Aid Payment (MAP) rates which existed
during the period of Farias v. Woods lost
benefits.

H A N D B O O K	Size of FBU	MAP	MAP
		Effective February 1, 1978- June 30, 1979	Effective July 1, 1979- December 31, 1979
	1	\$175	\$201
	2	287	331
	3	356	410
	4	423	487
	5	483	556
	6	543	625
	7	596	686
	8	649	747
	9	701	807
	10 or more	754	868

(10FR) Amend EAS Sections 50-050.811(a) and .812 to read:

50-050 Farias v. Woods

50-050

•8 Payee and Aid Payments (Continued)

•81 Determination of Payee (Continued)

•811 Primary Payee (Continued)

- (a) The primary payee shall be the primary claimant as defined in Section 50-050.25.

•812 Secondary Payee

- (a) Where the primary claimant has failed to apply for the retroactive benefits, either the adult child or the minor child may be authorized as a secondary payee in accordance with the following:

(1) Adult Child Applying on His/Her Own Behalf

If the adult child applies for the retroactive benefits, the county shall determine whether the adult child is eligible for retroactive payment according to Section 50-050.6. However, no payment shall be made until after the expiration of the 15-month application period in order to allow the primary payee the maximum time period to apply for the retroactive benefits. If the primary payee does not apply for the retroactive benefits, the adult child shall be paid within 30 days after the close of the application period.

(2) Current Caretaker Applying on Behalf of the Minor Child

- (A) Where the current caretaker applies for retroactive benefits on behalf of the minor child, the county shall determine whether the child is eligible for retroactive benefits according to Section 50-050.6. However, no payment shall be made

until after expiration of the 15-month application period in order to allow the primary payee the maximum time period for applying for retroactive benefits.

(B) Where the primary payee does not apply for retroactive benefits and the child is still under 18 at the end of the application period, the county shall place the child's retroactive payment in an irrevocable trust in a financial institution to be designated by the Department of Social Services within 30 days after the close of the application period.

(i) In the case of each child under 18 years old for whom a claim has been granted and benefits are payable, the county shall provide the trustee with the child's name, date of birth, current address, current custodian and the total amount of benefits which are paid on behalf of the child.

Authority: Welfare and Institutions Code Sections 10553, 10554 and 11209.

Reference: Welfare and Institutions Code Sections 10553 and 10554; and Farias v. Woods (December 28, 1982) Superior Court, San Francisco County, No. 710-754.

(11FR) Amend EAS Sections 50-050.914 and .92 to read:

50-050 Farias v. Woods

50-050

.9 Reporting Requirements

.91 Counties shall maintain records of and report the following information to DSS on a quarterly basis:
(Continued)

.914 The number of applications which resulted from the case review process in Sections 50-050.322 and .323;
and

.92 At the conclusion of the 15-month application period the counties shall report the following data regarding Farias v. Woods claims from secondary claimants:

Authority: Welfare and Institutions Code Sections 10553, 10554 and 11209.

Reference: Welfare and Institutions Code Sections 10553 and 10554; and Farias v. Woods (December 28, 1982) Superior Court, San Francisco County, No. 710-754.

FACE SHEET
FOR FILING ADMINISTRATIVE REGULATIONS
WITH THE OFFICE OF ADMINISTRATIVE LAW

ORD 1082-55

RECEIVED FOR FILING

8309216

SEP 21 10 42 AM '83

OFFICE OF
ADMINISTRATIVE LAW
ENDORSED

OCT 27 1983

Office of Administrative Law

LEAVE BLANK

The attached are true and correct
copies of regulations adopted,
amended, or repealed by:

Department of Social Services
(Agency)

9/12/83

(Date)

By:

Junda S. McMahon
(Agency Officer with Rule-making
Authority)

FILED

In the office of the Secretary of State
of the State of California

OCT 27 1983

At 4:14 o'clock P. M.

MARCH FONG EU, Secretary of State

By:

Walter Little
Deputy Secretary of State

LEAVE BLANK

AGENCY CONTACT PERSON AND POSITION

Roy Howard, Regulations Analyst

TELEPHONE NUMBER

445-1422

2. Indicate California Administrative Code Title and specify sections to be amended, adopted, and/or repealed:

Title _____

Sections Amended: 63-104.2, 63-201.6, 63-202.3 and .4 (renumbered), 63-503.5, and
Sections Adopted: 63-023 63-708.3
Sections Repealed: 63-202.2 and 63-504.36

3. Type of Order:

a. ☒ Regular

b. ☐ Emergency (attach Finding of Emergency)

c. ☐ Other Regulatory Action:

- ☐ Certificate of Compliance
☐ Procedural and Organizational Changes
☐ Editorial Correction
☐ Authority and Reference Citation Changes

d. Check one: ☐ ALL ☐ SOME ☒ NONE of the regulatory changes in this order are the result of the agency's review of existing regulations (see instructions in Part 3(b) on reverse).

e. ☐ This order is a resubmittal of previously disapproved or withdrawn regulations.

f. These regulations ☐ DO ☒ DO NOT contain building standards as defined in Section 18909 of the Health and Safety Code.

g. ☐ These are Conflict of Interest regulations containing the FPPC approval stamp and:

- ☐ Are to be published in full in the Administrative Code.
☐ Are to be codified by appropriate reference in the Administrative Code.
(Include a statement as to where the full text may be obtained.)

h. ☐ These are fire and panic safety regulations containing State Fire Marshal approval.

4. Effective Date of Regulatory Changes:

Government Code Section 11346.2 provides that a regulation is effective on the 30th day after the date of filing with the Secretary of State. If an exception is desired, see the instructions on reverse. Check the appropriate box and fill in the appropriate information below.

a. ☐ On _____ as required
by statutes: _____

b. ☐ On _____ (Designated
Effective Date earlier than 30 days
after filing with the Secretary of
State pursuant to Government Code
Section 11346.2(d)).

c. ☐ On _____ (Designated
Effective Date later than 30 days after
filing with the Secretary of State).

Adopt Section 63-023 to read:

63-023 IMPLEMENTATION OF REVISED PROVISIONS ON TRANSFER 63-023
OF CERTIFICATION, STAFFING STANDARDS, TREATMENT CENTERS,
AND NOTICE OF ACTION

Beginning December 1, 1983, CWDs shall implement the revised provisions on the elimination of the 60-day transfer of certification (Sections 63-201.6, 63-504.36, 63-708.3, and 63-802.22) and staffing standards (Section 63-202.2), promulgated by Public Law (7 USC 2015) 97-98 to amend the Food Stamp Act of 1977, and program clarification on treatment centers (Sections 63-503.563 and .567).

Authority: Welfare and Institutions Code Sections 10553 and 18904.

Reference: Welfare and Institutions Code Section 18902, 7 CFR 272.1(g), and Government Code Section 11346.2.

Amend Section 63-104.2 to read:

63-104 COUPONS AS OBLIGATIONS OF THE UNITED STATES,
CRIMES AND OFFENSES (Continued)

63-104

•2 Penalties

Any unauthorized issuance, use, transfer, acquisition, alteration, possession, or presentation of coupons or ATPs may subject any individual, partnership, corporation, or other legal entity to prosecution under Section 15(b) and (c) of the Food Stamp Act or under any other applicable federal, state or local law, regulation or ordinance. Sections 15(b) and (c) of the Food Stamp Act read as follows:

Whoever knowingly uses, transfers, acquires, alters, or possesses coupons or authorization cards in any manner not authorized by this Act or the regulations issued pursuant to this Act shall, if such coupons or authorization cards are of the value of \$100 or more, be guilty of a felony and shall, upon conviction thereof, be fined not more than \$10,000 or imprisoned for not more than five years, or both, or if such coupons or authorization cards are of a value of less than \$100, shall be guilty of a misdemeanor and shall, upon conviction thereof, be fined not more than \$1,000 or imprisoned for not more than one year, or both.

Whoever presents, or causes to be presented, coupons for payments or redemption of the value of \$100 or more, knowing the same to have been received, transferred or used in any manner in violation of the provisions of this Act or the regulations issued pursuant to this Act shall be guilty of a felony and shall, upon conviction thereof, be fined not more than \$10,000 or imprisoned for not more than five years, or both, or, if such coupons are of a value of less than \$100, shall be guilty of a misdemeanor and shall, upon conviction thereof, be fined not more than \$1,000 or imprisoned for not more than one year, or both.

Authority: Welfare and Institutions Code Sections 10553 and 18904.

Reference: Government Code Section 11349(a), Welfare and
Institutions Code Section 18904, and 7 CFR,
271.5(b)(1) and 271.5(c).

Amend Section 63-201.6 to read:

63-201 GENERAL TERMS AND CONDITIONS (Continued)

63-201

•6 Retention of Records

Counties CWDs shall retain all Food Stamp program records in an orderly fashion, for audit and review purposes, for a period of three years from the month of origin of each record. The county CWD shall retain fiscal records and accountable documents for three years from the date of fiscal or administrative closure. Fiscal closure means that obligations for or against the Federal Government have been liquidated. Administrative closures means that the county CWD has determined and documented that no further action to liquidate the obligation is appropriate. Fiscal records and accountable documents include, but are not limited to claims, and documentation of lost benefits, and Form FN5-286, "Certification of Transfer of Household Benefits." Retention methods for ATP cards are provided in 63-708.1.

Authority: Welfare and Institutions Code Sections 18904 and 10553.

Reference: Welfare and Institutions Code Section 18904 and 7 CFR 272.1(f) and 274.7(c).

Repeal Section 63-202.2 as follows and renumber .3 and .4 to be .2 and .3:

63-202 PROGRAM ADMINISTRATION AND PERSONNEL
REQUIREMENTS (Continued)

63-202

*2 Staffing Standards

The county shall employ sufficient staff to certify and issue benefits accurately to eligible ERS.

*32 Bilingual Requirements

For DSS bilingual requirements, refer to Division 21.

*43 Internal Controls

In order to safeguard certification and issuance records from unauthorized creation or tampering, the county shall establish an organizational structure which divides the responsibility for the eligibility determinations and coupon issuance among certification, data management, and issuance units. The certification unit shall be responsible for the determination of household eligibility and the creation of records and documents to authorize the issuance of coupons to eligible households. The data management unit, in response to input from the certification unit, shall create and maintain the household issuance record (HIR) master file on cards, computer discs, tapes, or similar memory devices. The issuance unit shall provide certified households with the authorized allotments. In cases where personnel are periodically, or on a part-time basis, shifted from one unit to another, supervisory controls should be sufficient to assure that the unauthorized creation or modification of case records is not possible.

Authority: Welfare and Institutions Code Sections 18904 and 10553.

Reference: 7 CFR 272.4.

Amend Section 63-503.5 to read:

63-503 DETERMINING HOUSEHOLD ELIGIBILITY AND BENEFIT LEVELS (Continued) 63-503

•5 Households with Special Circumstances (Continued)

•56 Residents of Drug/Alcoholic Treatment and Rehabilitation Programs (Continued)

•563 The following provisions apply to residents of treatment centers: (Continued)

- d. Resident households shall be afforded the same rights to notices of adverse action, to state hearings, and to entitlement to lost benefits as are all other food stamp households, except as specified in Section 63-503.5698.

63-503 DETERMINING HOUSEHOLD ELIGIBILITY AND BENEFIT LEVELS (Continued) 63-503

•5 Households with Special Circumstances (Continued)

•56 Residents of Drug/Alcoholic Treatment and Rehabilitation Programs (Continued)

•567 (Continued)

- b. For institutions not FNS authorized, but certified by the State Department of Alcohol and Drug Programs, the CWD shall take appropriate action as specified in Sections 63-801, 63-803, 63-804, and 63-805. Those provisions of Sections 63-801, 63-803, 63-804 and 63-805 that apply to other applicant food stamp households shall also apply except that the institution shall be treated as the sole household member to treatment centers being treated as the household.

- 568 If any overissuances are discovered during an investigation or hearing procedure for redemption violations, the CWD shall establish a claim against the institution on behalf of resident clients as described in Section 63-503.566.

.5698 If FNS disqualifies an institution as an authorized retail food store, the CWD shall suspend its authorized representative status for the concurrent same time period. If the institution loses its authorization from FNS to accept and redeem coupons, or is no longer certified by the State Department of Alcohol and Drug Programs, its residents are no longer eligible to participate. The residents are not entitled to a timely notice of adverse action but shall receive a written notice explaining the termination and when it will become effective, as required provided in Section 63-504.242(1).

Authority: Welfare and Institutions Code Sections 18904 and 10553.

Reference: Welfare and Institutions Code Section 18904, Government Code Section 11349(a), and 7 CFR 273.11(e)(3)(iii), October 17, 1978.

Repeal Section 63-504.36.

63-504 HOUSEHOLD CERTIFICATION (Continued)

63-504

•3 Effecting Changes (Continued)

•36 Sixty-Day Continuation of Certification

Any currently eligible household which moves from one county to another or to another state shall, under certain circumstances, have their participation in the Food Stamp Program transferred so that benefits will be continued in accordance with this section.

The effective period for the transfer of certification shall be two months subsequent to the month the household moves. The EW shall make it clear to the transferring household that it is not required to transfer its certification but may instead be certified under normal procedures upon arrival in the new county or state. If the household anticipates that it will receive less income in the new county or state, it may be to the household's advantage not to transfer its certification.

The household shall be advised that if it does not desire an intercounty or interstate transfer, it may experience a delay in receiving food stamp benefits in its first month in that new county or state.

•361 Eligibility Criteria

Continuation of certification for any currently eligible households shall be provided for two months after the month the household moves from one county to another within the state or between states if the household:

- a. Membership does not change;
- b. Continues to meet the definition of a household as provided in Section 63-402.1;
- c. Was not certified under disaster eligibility standards as provided in Section 63-900 or was not certified under expedited procedures in Section 63-301.5 unless the verification that was initially postponed was subsequently completed; and

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- d. Does not contain an SSI member when moving into California.

.362 Responsibility of Losing Counties

- a. The losing county from which the household is moving shall prepare the Form FNS 286, certification of transfer of household benefits. If the household has received its coupon allotment for the month in which the move takes place, the losing county shall authorize the extensions of certification for the two months subsequent to the move. If the household has not used the entire allotment for the month in which the move takes place and the household wishes to participate in the gaining county in that month, any unused issuance authorization documents must be surrendered prior to completing Form FNS 286. The EW shall then authorize a coupon allotment (as represented by the unused issuance documents surrendered) for the month of the move, in addition to the full coupon allotments for the two subsequent months. When surrendered documents include an entitlement to lost benefits, refer to Section 63-504.365.
- b. The original and one copy of Form FNS 286 shall be given to the household with instructions that the form is to be delivered to a food stamp certification office in the new county. The EW shall also advise the household that it must not change any items on the form.
- c. When a recipient moves before notifying the county, the transfer of certification cannot be implemented. Under such circumstances, the household must apply for program participation in the new county under normal procedures.

.363 Responsibility of Gaining Counties

Whenever a household presents Form FNS 286 to the food stamp office, the EW shall determine if the household resides in the county. If the household does not reside in the county, the EW shall refer to the household to the food stamp office in the county where the household resides. If the household resides in the county, the EW shall accept the Form FNS 286, provided the form has not been altered, and

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issue the allotment authorized by the form to households in compliance with the eligibility criteria in Section 63-504.361.

a. Determine if Form 286 was Altered

If the information contained on Form FNS 286 appears to be altered, the EW shall contact the losing county to verify whether or not the information is correct. If the form was altered, the losing county shall promptly mail a correct FNS 286 to the gaining county. The household shall not be entitled to transfer its certification of eligibility until the correct FNS 286 is received by the gaining county. The household may instead apply for food stamps under normal procedures if it wishes to participate without the transfer procedure.

b. Determine Entitlement to Transfer of Certification

If the household presents an FNS 286 transferring the household's certification of eligibility, the EW shall verify that:

- (1) There has been no change in household membership from that recorded on Form FNS 286;
- (2) The household is living in the county and no member of the household resides in a boarding home or institution;
- (3) The 60-day continuation of certification period has not expired; and
- (4) No household member is an SSI recipient.

If the above criteria have been met, the household is eligible for continuation of its certification based on the adjusted net monthly income and household size specified on Form FNS 286.

c. At the time the household provides the form to the gaining county, the household shall report any changes in circumstances. The gaining county will act on changes according to Section 63-504.32 except in no event would the changes

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reported affect the initial issuance under the Form FNS 286. However, the second issuance in the gaining county, if any, shall reflect changes reported.

- d. If the household has participated in the losing county in the month of the move, and presents the Form FNS 286 to the gaining county that same month, it shall be accepted and acted on in time for the next month's issuance. The first issuance shall be based on the income reflected on the Form FNS 286.
- e. If the household has not participated in the losing county in the month of the move, and presents the transfer form to the gaining county that same month, the household will be provided an opportunity to participate in that month. The first issuance shall be based on the income reflected on the transfer form.
- f. If the household anticipates zero net monthly income upon its arrival in the gaining county, an exception shall be made to the use of the transfer form and recorded income figures. The household may reapply and receive expedited service; Form FNS 286 is then nullified.
- g. Without Benefit of Form FNS 286. If a PAFS household moves to another county without benefit of the Food Stamp Transfer Form FNS 286, the household can be certified for food stamps in the new county with Application Form DFA 285A and for reporting purposes classified as a PA household pending acceptance of the PA transfer case by the new county. On acceptance of the PA transferred case, the food stamp certification period shall be extended to coincide with the PA redetermination date without requiring a reapplication.

•364 Subsequent Actions

- a. Households participating on the basis of a form FNS 286 shall be entitled to all procedural rights of any other food stamp household, including notice of adverse action on reported changes, and notice of expiration prior to the expiration of the second month of issuance authorized by the Form FNS 286.

- b. Households may elect to be certified in the new county or state at any time during their participation under the form FNS 286.
- c. Households which move from the new county or state during the two months covered by the form FNS 286 shall be issued:
 - (1) A form FNS 286 for the balance of the period covered by original form, and which reflects the changes reported at the time the form was accepted in the new county or state; or
 - (2) A new form FNS 286 for an additional 2 months if the household was recertified in the new county or state and otherwise qualifies for a transfer of certification as outlined in paragraph .1 of this section.

.365 Procedure for Transfer of Entitlement to Restoration of Lost Benefits

Restoration of lost benefits shall be accomplished via the FNS 286 whether or not certification is transferred.

- a. Households which present to the gaining county an FNS 286 indicating entitlement to a restoration of lost benefits shall have benefits restored in accordance with Section 63-802. Responsibilities of gaining counties as outlined in 63-504.363 are also applicable.
- b. Households which have not secured an FNS 286 prior to moving, but indicate to the new county that they are entitled to a restoration of lost benefits, shall have benefits restored only after a confirming FNS 286 has been received from the county which last certified the household or had a record of the entitlement. The new county shall promptly contact the losing county and request an FNS 286 verifying the entitlement.

.366 Control of Forms

The county welfare department shall provide for the secure storage of Form FNS 286, and shall maintain

controls to prevent or detect unauthorized issuance, acquisition, acceptance, use, transfer, or alteration of this form.

a. Receipt of Forms

Forms that have been sent from FNS will be mailed by Certified Mail - Return Receipt Requested. The serial numbers of the forms being sent will be indicated on the address label. Upon receipt of the forms, the county welfare department is responsible for checking by serial number to assure that all forms have been received. Any forms that are missing must be noted on the return receipt and reported to FNS, Western Region Office.

b. The county welfare department shall:

- (1) Record the serial number of the forms upon receipt and insert the telephone number of the certification office on the forms.
- (2) Keep the supply of unissued forms in secure storage and limit access of these forms to authorized personnel only.
- (3) Maintain an inventory control record.
- (4) Make a physical inventory once a year.
- (5) Notify the Department of Social Services immediately if counterfeit or stolen forms are discovered, a theft has occurred, or a redeemed Form FNS 286 is returned which was not issued by the losing county. DSS shall then notify FNS, western Region Office.

Authority: Welfare and Institutions Code Sections 18904 and 18953.

Reference: 7 CFR Sections 272.1(f), 273.19, and 274.7(c) as deleted in 45 FR 35168, Friday, August 13, 1982.

Amend Section 63-708.3 to read:

63-708 ISSUANCE RECORD RETENTION AND SECURITY (Continued) 63-708

•3 Accountable Documents

HIR cards, ATPs, and Forms FNS 286▼ and mandated photo ID cards shall be considered accountable documents. The CWD shall provide the following minimum security and control procedures for these documents:

Authority: Welfare and Institutions Code Sections 18904 and 10553.

Reference: 7 CFR 272.1(f) and 274.7(c).

Amend Section 63-802.22 and repeal Section 63-802.23 as follows:

63-802 RESTORATION OF LOST BENEFITS (Continued)

63-802

.2 Method of Restoration (Continued)

.22 Whenever a household entitled to a restoration of lost benefits informs a CWD that it is moving out of the county, benefits shall be restored in a lump sum prior to the move, whenever possible. When benefits cannot be restored prior to the move, or when the household elects to have the benefits restored in monthly allotments, the entitlement shall be transferred via the FNS 286 in accordance with Section 63-504.365(a). the CWD shall mail the entitlement in the form of coupons to the household at the new address.

.23 If a household entitled to a restoration of lost benefits does not inform the CWD prior to its move, procedures in Section 63-504.365(b) shall be followed.

Authority: Welfare and Institutions Code Sections 18904 and 10553.

Reference: 7 CFR 272.1(f), 273.19, and 274.7(c).

FACE SHEET
FOR FILING ADMINISTRATIVE REGULATIONS
WITH THE OFFICE OF ADMINISTRATIVE LAW

ORD #1282-66

8309217

RECEIVED FOR FILING

SEP 21 10 41 AM '83

ADMINISTRATIVE LAW
ENDORSED

APPROVE FOR FILING

OCT 28 1983

Office of Administrative Law
LEAVE BLANK

1. The attached are true and correct
copies of regulations adopted,
amended, or repealed by:

Department of Social Services

(Agency)

8/30/83

(Date)

By:

Jane S. McMahon
(Agency Officer with Rule-making
Authority)

FILED

In the office of the Secretary of State
of the State of California

OCT 28 1983

At 4:10 o'clock P. M.

MARCH FONG EU, Secretary of State

By *Maryanne Harshberger*
Deputy Secretary of State
LEAVE BLANK

AGENCY CONTACT PERSON AND POSITION

Harry Baertschi

TELEPHONE NUMBER

445-7054

2. Indicate California Administrative Code Title and specify sections to be amended, adopted,
and/or repealed:

Title

Sections Amended: Section 40-131.3

Sections Adopted: Section 40-107.6

Sections Repealed:

3. Type of Order:

a. ☒ Regular

b. ☐ Emergency (attach Finding of Emergency)

c. ☐ Other Regulatory Action:

- ☐ Certificate of Compliance
☐ Procedural and Organizational Changes
☐ Editorial Correction
☐ Authority and Reference Citation Changes

d. Check one: ☐ ALL ☐ SOME ☐ NONE of the regulatory changes in this order are the result
of the agency's review of existing regulations (see instructions in Part 3(b) on reverse).

e. ☐ This order is a resubmittal of previously disapproved or withdrawn regulations.

f. These regulations ☐ DO ☒ DO NOT contain building standards as defined in Section 18909
of the Health and Safety Code.

g. ☐ These are Conflict of Interest regulations containing the FPPC approval stamp and:

- ☐ Are to be published in full in the Administrative Code.
☐ Are to be codified by appropriate reference in the Administrative Code.
(Include a statement as to where the full text may be obtained.)

h. ☐ These are fire and panic safety regulations containing State Fire Marshal approval.

4. Effective Date of Regulatory Changes:

Government Code Section 11346.2 provides that a regulation is effective on the 30th day
after the date of filing with the Secretary of State. If an exception is desired, see the
instructions on reverse. Check the appropriate box and fill in the appropriate information
below.

a. ☐ On _____ as required
by statutes: _____

b. ☐ On _____ (Designated
Effective Date earlier than 30 days
after filing with the Secretary of
State pursuant to Government Code
Section 11346.2(d)).

c. ☐ On _____ (Designated
Effective Date later than 30 days after
filing with the Secretary of State).

Adopt Section 40-107.62 to read:

40-107 COUNTY RESPONSIBILITY (Continued)

40-107

.6 Provision of Informational Materials

.62 The CWD shall inform all AFDC applicants/recipients of the availability of family planning services. For those AFDC applicants/recipients who voluntarily request such services, the CWD shall provide information and referral for family planning services. (See Section 40-131.3(h)).

.621 The CWD shall designate personnel who shall:

(a) Be generally knowledgeable in the area of family planning.

(b) Be responsible for the coordination of family planning services activities within the CWD and with family planning resources outside of the CWD.

.622 The CWD shall display in waiting rooms and make available to AFDC applicants/recipients, copies of notices, pamphlets and other written materials which contain information concerning the availability of family planning services.

.623 The CWD shall ensure that written notice of the availability of family planning services is sent to: (1) applicants for AFDC upon denial of AFDC benefits; or (2) all AFDC recipients upon termination of AFDC benefits.

Authority: Welfare and Institutions Code Sections 10553 and 10554.

Reference: Welfare and Institutions Code Sections 14503 and 14508, 42 USC Sections 602(a)(15) and 603(f)(1), 45 CFR 205.146(b).

Amend Section 40-131.3(h) to read:

40-131 INTERVIEW REQUIREMENT

40-131

.3 Content of Application Interview (Continued)

- h. The availability of appropriate services and resources within the agency, including family planning (See Section 40-107.62.)

Authority: Welfare and Institutions Code Sections 10553 and 10554.

Reference: Welfare and Institutions Code Sections 14503 and 14508, 42 USC Sections 602(a)(15) and 603(f)(1), 45 CFR 205.146(b).

FACE SHEET
(OAL-4)

(See Instructions on Reverse)

FOR FILING ADMINISTRATIVE REGULATIONS
WITH THE OFFICE OF ADMINISTRATIVE LAW

ORD #283-12

83 0908 7

RECEIVED FOR FILING

SEP 20 3 20 PM '83

OFFICE OF
ADMINISTRATIVE LAW
ENDORSED
APPROVED FOR FILING

OCT 3 1 1983

Office of Administrative Law

LEAVE BLANK

1. ATTACHED ARE REGULATIONS ADOPTED,
AMENDED OR REPEALED BY:

Department Of Social Services

(AGENCY)

BY:

Janet S. McMahon

(AGENCY OFFICER AUTHORIZED TO SUBMIT REGULATIONS)

FILED
In the office of the Secretary of State
of the State of California

OCT 3 1 1983
At 4:34 o'clock P.M.
MARCH FONG EU, Secretary of State
By *Carleen Patrick*
Deputy Secretary of State

LEAVE BLANK

AGENCY CONTACT PERSON AND POSITION

Roy L. Howard, Regulations Analyst

TELEPHONE 445-1422

2. Indicate California Administrative Code Title and specify sections to be amended, adopted, and/or repealed:

SECTIONS AMENDED

Title: Manual of Policies and Procedures, Division 63, Sections 63-404.1, .2, .3, .4, and .5

SECTIONS ADOPTED

63-028

SECTIONS REPEALED

3. TYPE OF ORDER (CHECK ONE)

☐ Regular

☐ Emergency
(Attach Finding of Emergency)

☒ Certificate of Compliance

Other Regulatory Actions:

☐ Procedural and Organizational
Change

☐ Editorial Correction

☐ Authority and Reference
Citation Change

4. IS THIS ORDER A RESUBMITTAL OF A PREVIOUSLY DISAPPROVED OR WITHDRAWN REGULATION?

☒ No

☐ Yes, if yes give date of previous filing _____

5. IS THIS FILING A RESULT OF THE AGENCY'S REVIEW OF EXISTING REGULATIONS?

☒ No

☐ Yes

6. IF THESE REGULATIONS REQUIRED PRIOR REVIEW AND APPROVAL BY ANY OF THE FOLLOWING AGENCIES,
CHECK THE APPROPRIATE BOX OR BOXES.

☐ State Fire Marshal
(Attach Approval)

☐ Building Standards Comm.
(Attach Approval)

☐ Fair Political Practices Comm.
(Include FPPC Approval Stamp)

☐ Department of Finance
(Attach STD. Form 399)

7a. PUBLICATION DATE OF NOTICE IN CALIFORNIA
ADMINISTRATIVE NOTICE REGISTER

June 3, 1983

b. DATE OF ADOPTION OF REGULATION(S)

c. DATES OF AVAILABILITY OF MODIFIED
REGULATION(S) (GOV. CODE SEC. 11346.8(c))

8. WAS THIS REGULATORY ACTION SCHEDULED ON YOUR AGENCY RULEMAKING CALENDAR?

☒ No

☐ Yes

9. EFFECTIVE DATE OF REGULATORY CHANGES: (SEE GOVERNMENT CODE SECTION 11346.2 AND INSTRUCTIONS
ON REVERSE)

a. ☒ Effective 30th day after filing with the Secretary of State.

b. ☐ Effective on _____ as required by statutes: (list) _____

c. ☐ Effective on _____ (Designate effective date *earlier than* 30 days after filing with the Secretary
of State pursuant to Government Code Section 11346.2(d).)

☐ Request Attached

d. ☐ Effective on _____ (Designate effective date *later than* 30 days after filing with the Secretary of
State.)

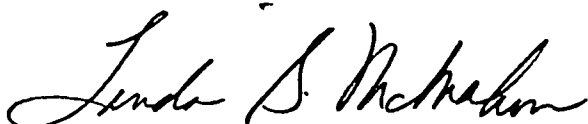
CERTIFICATE OF COMPLIANCE - Section 11346.1(e), Government Code

The Department of Social Services hereby certifies that it has complied with the provisions of Sections 11346.4 through 11346.8 inclusive of the Government Code, within 120 days of the effective date of the following emergency regulations which were filed with the Secretary of State on May 6, 1983, and which became effective on June 1, 1983.

Manual of Policy and Procedures, Division 63, Sections:

<u>Amended</u>	<u>Adopted</u>
63-404.1	63-028
63-404.2	
63-404.3	
63-404.4	
63-404.5	
63-404.6	

These regulations were presented at public hearing on July 20, 1983.



LINDA S. MCMAHON
Director

9/26/83
Date

Amend Section 63-028 to read:

63-028 IMPLEMENTATION OF SSN OF ALL FOOD STAMP HOUSEHOLDS 63-028

Sections 63-404 through 63-404.56 as amended herein, pursuant to Public Law 97-98 (7 USC 2025(e)), shall become effective immediately upon filing with the Secretary of State, as follows:

- 1 Upon the effective date of these regulations, the revised provisions shall apply to all new applications.
- 2 Currently certified households shall be converted to the revised provisions at the time of recertification or anytime the casefile is reviewed prior to recertification.

Authority: Welfare and Institutions Code Sections 10553, 10554 and 18904.

Reference: Welfare and Institutions Code Section 18901 and 7 CFR Section 273.6 as amended in Vol. 47 Federal Register 53309 et seq., Friday, November 26, 1982.

Amend Section 63-404 to read:

63-404 SOCIAL SECURITY NUMBERS.

63-404

Applicant or recipient households shall provide the CWD with the social security number (SSN) of each household member, or provide SDSS approved documentation of application for an SSN at the Social Security Administration prior to certification. The CWD shall explain to applicants and recipients that refusal to provide or obtain an SSN shall result in disqualification of the individual for whom the SSN is not obtained in accordance with Section 63-404.4. The CWD shall send the ~~disqualified~~ household member a notice of adverse action explaining the effect of the disqualification on the eligibility and allotment of the remaining household members in accordance with Section 63-504.261. If individuals have more than one number, all numbers shall be required. Household members who do not have an SSN and who apply for an SSN in accordance with Section 63-404.3 shall be allowed to participate for 30 days from the first day of the first full month of participation pending receipt of an SSN.

Authority: Welfare and Institutions Code Sections 10553, 10554, and 18904.

Reference: Welfare and Institutions Code Section 18901 and 7 CFR 273.6 as amended, Vol. 47 Federal Register, 53309 et. seq., Friday, November 26, 1982.

Amend Section 63-404.212 to read:

63-404 SOCIAL SECURITY NUMBERS.(Continued)

63-404

•2 Acceptable Verification

•21 The SSN shall be verified in one of the following ways:
(Continued)

•211 Matching the reported SSN with information supplied by the Social Security Administration such as SDX computer tapes or printouts, or

•212 Observing the household member's social security card or any official document containing the SSN. If the individual has no social security card or other official document containing the SSN, or if the social security number appears questionable, the county shall verify the number by matching it with SSA tapes.

Authority: Welfare and Institutions Code Sections 10553 and 10554.

Reference: Welfare and Institutions Code Section 18901; and 7 CFR 273.6, as amended, Vol. 47 Federal Register, p. 53309, et. seq., Friday, November 26, 1982. .

Amend Sections 63-404.5 and .6 to read:

63-404 SOCIAL SECURITY NUMBERS.(Continued)

63-404

•5 Good Cause Determination

In determining if good cause existed for failure to comply with the SSN requirement, the CWD shall at least consider information provided by the household member, and the Social Security Administration. Documentary evidence or collateral information that the household member has applied for the number or made every effort to supply SSA with the necessary information shall be considered good cause for not complying timely with this requirement. If the household member(s) can show good cause why an SSN has not been obtained in a timely manner, they that household member shall be allowed to participate for an one additional 30-days time period.

•6 Ending Disqualification

The disqualified household member may become eligible upon providing the CWD with his/her SSN or demonstrating that an application for a SSN has been made to SSA.

Authority: Welfare and Institutions Code Sections 10553, 10554, and 18904.

Reference: Welfare and Institutions Code Section 18901 and 7 CFR 273.6 as amended, Vol. 47 Federal Register, 53309 et seq., Friday, November 26, 1982.

FACE SHEET
(OAL-4)

(See Instructions on Reverse)

FOR FILING ADMINISTRATIVE REGULATIONS
WITH THE OFFICE OF ADMINISTRATIVE LAW

ORD #382-14

83-1018-5

RECEIVED FOR FILING

OCT 13 3 01 PM '83

OFFICE OF
ADMINISTRATIVE LAW
APPROVED FOR FILING

NOV 2 1983

Office of Administrative Law
LEAVE BLANK

1. ATTACHED ARE REGULATIONS ADOPTED,
AMENDED OR REPEALED BY:

Department of Social Services

(AGENCY)

BY:

Rosalia Clark

(AGENCY OFFICER AUTHORIZED TO SUBMIT REGULATIONS)

FILED

In the office of the Secretary of State
of the State of California

NOV 2 - 1983

At 1:05 o'clock P.M.

MARCH FONG EU, Secretary of State

By *Maya Hershberger*
Deputy Secretary of State

LEAVE BLANK

AGENCY CONTACT PERSON AND POSITION

Jerry Demorest, Regulations Analyst

TELEPHONE

3-0881

2. Indicate California Administrative Code Title and specify sections to be amended, adopted, and/or repealed:

SECTIONS AMENDED

Title: MPP 44-101.325(b)(3)(C)

SECTIONS ADOPTED

SECTIONS REPEALED

3. TYPE OF ORDER (CHECK ONE)

☐ Regular

☐ Emergency
(Attach Finding of Emergency)

☐ Certificate of Compliance

Other Regulatory Actions:

☐ Procedural and Organizational
Change

☒ Editorial Correction

☐ Authority and Reference
Citation Change

4. IS THIS ORDER A RESUBMITTAL OF A PREVIOUSLY DISAPPROVED OR WITHDRAWN REGULATION?

☒ No

☐ Yes, if yes give date of previous filing

5. IS THIS FILING A RESULT OF THE AGENCY'S REVIEW OF EXISTING REGULATIONS?

☒ No

☐ Yes

6. IF THESE REGULATIONS REQUIRED PRIOR REVIEW AND APPROVAL BY ANY OF THE FOLLOWING AGENCIES,
CHECK THE APPROPRIATE BOX OR BOXES.

☐ State Fire Marshal
(Attach Approval)

☐ Building Standards Comm.
(Attach Approval)

☐ Fair Political Practices Comm.
(Include FPPC Approval Stamp)

☐ Department of Finance
(Attach STD. Form 399)

7a. PUBLICATION DATE OF NOTICE IN CALIFORNIA
ADMINISTRATIVE NOTICE REGISTER

June 2, 1982

b. DATE OF ADOPTION OF REGULATION(S)

July 1, 1983

c. DATES OF AVAILABILITY OF MODIFIED
REGULATION(S) (GOV. CODE SEC. 11346.8(c))

May 6, 1983

8. WAS THIS REGULATORY ACTION SCHEDULED ON YOUR AGENCY RULEMAKING CALENDAR?

☒ No

☐ Yes

9. EFFECTIVE DATE OF REGULATORY CHANGES: (SEE GOVERNMENT CODE SECTION 11346.2 AND INSTRUCTIONS
ON REVERSE)

a. ☐ Effective 30th day after filing with the Secretary of State.

b. ☐ Effective on _____ as required by statutes: (list) _____

c. ☐ Effective on _____ (Designate effective date *earlier than* 30 days after filing with the Secretary
of State pursuant to Government Code Section 11346.2(d).)

☒ Request Attached

d. ☐ Effective on _____ (Designate effective date *later than* 30 days after filing with the Secretary of
State.)

INSTRUCTIONS FOR STD 400 (OAL-4)

A completed Face Sheet for Filing Regulations With the Office of Administrative Law must be attached to the front of each of the seven copies of the regulations. Note that at least one Face Sheet must contain an original signature of the agency officer authorized to submit regulations.

Part 1. Provide agency name and signature of the agency officer. Also provide the name and telephone number of the person who can answer questions regarding this regulatory filing.

Part 2. Provide the Administrative Code Title in which the regulation will appear and list each section number to be amended, adopted, or repealed.
(Attach additional sheets if necessary.)

Part 3. Check appropriate box. If other than a regular or emergency filing or certificate of compliance, check the appropriate box under "Other Regulatory Action." Note: Procedural and organizational changes, editorial corrections and authority and reference citation changes are reviewed and are subject to OAL approval.

Part 4. Check appropriate box.

Part 5. Regulatory activity resulting from the agency's review of existing regulations should be submitted in a separate filing. If not submitted separately, regulations not resulting from the review and any material in the rulemaking file relating to them must be clearly identified.

Part 6. Certain regulatory activities must be reviewed and approved by other state agencies prior to submittal to OAL. Regulations subject to prior approval include:

- Fire and panic safety regulations (Gov. Code Sec. 11342.3).
- Building standards as defined in Section 18969 of the Health and Safety Code (Gov. Code Sec. 11343).
- Conflict of Interest regulations (Gov. Code Sec. 87300 et seq.).

Note: Regulations that have a fiscal impact on state, local or federal government or result in reimbursable costs to local government or school districts should be discussed with the Department of Finance. See Government Code Sections 11346 5(a) (6), 11349.1 and S.A.M. Sections 6050-6057.

Part 7. a. Provide the publication date of the Notice Register in which the initial notice regarding these regulations appeared.

b. Provide the date on which the regulatory agency adopted the regulation(s).

c. If the regulations were modified, subsequent to the hearing or written comment period, provide the date the modified regulations were made available to the public. Note that this date must be at least 15 days prior to the date indicated in (b.) above.

Part 8. Check appropriate box. This information is for statistical purposes.

Part 9. Effective Dates—check one of the following:

- If regulations are to be effective 30 days after filing with the Secretary of State.
- If an effective date other than (a.) is required by statute, provide the date and the statutory citation(s).
- If a designated effective date is being requested, please include a letter specifying the date the regulation(s) should take effect and the reason for the earlier effective date. Requests are granted by OAL for good cause shown.
- If an effective date later than (a.) is requested, provide the date.

Filing Requirements

The following material must be submitted when filing regulations with OAL:

- Seven (7) copies of the regulations. Note: Use underline/strikeout to indicate changes in an existing section. Repeal of an entire section may be indicated by placing a diagonal slash through text. For adoption of new section, underscore is not required.
- A completed Face Sheet for Filing Regulations With the Office of Administrative Law, form STD 400 (OAL-4) attached to the front of each copy of the regulations, with at least one Face Sheet bearing an original signature.
- Complete rulemaking file, with index and sworn statement (See Government Code Section 11347 3 for full list of rulemaking file contents and Appendix 13 of OAL Regulations Handbook for a rulemaking file checklist.)

(5c) Editorially correct EAS Section 44-101.325(b)(3)(C) to read:

44-101 INCOME DEFINITIONS (Continued) 44-101

•3 Current Income (Continued)

•32 (Continued)

•325 Reconciliation of Advanced Earned Income Credit (EIC) to Year End EIC (Continued)

(b) Reconciliation Methodology (Continued)

(3) (Continued)

(C) Example: Computation of the EIC adjustment payment

Computation Factors

- Recipient was employed 9 months in the tax year.
- Recipient received AFDC during 7 of the 9 months he/she was employed during the tax year.
- The \$30 plus 1/3 disregard was applied in 4 months while aided.
- The \$30 plus 1/3 disregard was not applied in 3 months while aided.
- Advanced EIC (assumed and actual) counted in the computation of the recipient's aid payments for the tax year totaled \$300.
- Recipient's 1040 or 1040A for the tax year indicated.
- Year-end EIC \$350
- Advanced EIC \$400

Computation Steps

Determination of whether EIC counted for AFDC during the tax year (\$300) was greater than the year-end EIC attributable to AFDC:

- (i)
$$\frac{\$350 \text{ [year-end EIC]}}{9 \text{ months [months of earnings]}} = \$ 38.88$$

[monthly EIC entitlement]
[see 44-101.325(b)(3)(A)(i)]
- (ii)
$$\begin{array}{ccc} \$38.88 & \times & 7 \\ \text{[monthly EIC} & & \text{[months of} \\ \text{entitlement]} & & \text{earnings} \\ & & \text{while aided]} \end{array} = \$272.16$$

[year-end EIC attributable to AFDC]
[see 44-101.325(b)(3)(A)(ii)]
- (iii)
$$\begin{array}{ccc} \$272.16 & - & \$300 \\ \text{[year-end EIC} & & \text{[EIC counted} \\ \text{attributable} & & \text{in AFDC grants} \\ \text{to AFDC]} & & \text{in the tax year]} \end{array} = \$ 27.84$$

[overcounted EIC]
[see 44-101.325(b)(3)(B)(i)]

If the EIC counted in the computation of AFDC payments during the tax year (\$300) exceeds the year-end EIC attributable to AFDC (\$272.16), compute the EIC adjustment payment as follows:

- (iv)
$$\frac{\$27.84 \text{ [overcounted EIC]}}{7 \text{ [months of EIC payments considered while aided]}} = \$ 3.98$$

[maximum monthly adjustment]
[see 44-101.325(b)(3)(B)(ii)]
- (v)
$$\begin{array}{ccc} \$ 3.98 & \times & 4 \\ \text{[maximum} & & \text{[number of aided} \\ \text{monthly} & & \text{months the \$30} \\ \text{adjustment]} & & \text{\& 1/3 disregard} \\ & & \text{applied to} \\ & & \text{advance EIC} \\ & & \text{payments]} \end{array} = \$ 15.92$$

[total ev]

[see 44-101.325(b)(3)(B)(iii)]

$$\begin{array}{rclclcl} \text{(vi)} & \$15.92 & \times & 2/3 & = & \$ 10.61 \\ & [\text{total } \underline{e\text{v}}] & & & & [\text{total } \underline{f\text{vi}}] \end{array}$$

[see 44-101.325(b)(3)(B)(iv)]

$$\begin{array}{rclclcl} \text{(vii)} & \$ 3.98 & \times & 3 & = & \$ 11.94 \\ & [\text{maximum} & & [\text{number of aided} & & [\text{total } \underline{g\text{vii}}] \\ & \text{monthly} & & \text{months the \$30} & & \\ & \text{adjustment}] & & \& 1/3 \text{ disregard} & & \\ & & & \text{not applied to} & & \\ & & & \text{advance EIC} & & \\ & & & \text{payments}] & & \end{array}$$

[see 44-101.325(b)(3)(B)(v)]

$$\begin{array}{rclclcl} \text{(viii)} & \$10.61 & + & \$11.94 & = & \$22.55 \\ & [\text{total } \underline{f\text{vi}}] & & [\text{total } \underline{g\text{vii}}] & & [\text{EIC adjustment} \\ & & & & & \text{payment}] \end{array}$$

[see 44-101.325(b)(3)(B)(vi)]

Authority: Welfare and Institutions Code Sections 10553 and 10554.

Reference: Welfare and Institutions Code Section 11209.

Memorandum

To : Office of Administrative Law
1414 K Street, Suite 600
Sacramento, CA 95814

Attn: Ms. Barbara Steinhardt

Date : October 17, 1983

Subject: Editorial Correction of
MPP Section 44-101.325(b) (3) (C)
"Example"/ORD #382-14

From : Department of Social Services

When the regulatory revisions entitled "Convert COLA's to Handbook/ORD #382-14" were originally submitted to the Office of Administrative Law (OAL) for review in June 1983, certain cross-references within the Section 44-101.325(b) (3) (C) example were incorrect. In the initial draft, the eight computation steps enumerated in this example were codified (a) through (h). During final development stages however, the same eight steps were recodified (i) through (viii). Even though the titles were properly recodified, certain related cross-references in this same example were inadvertently overlooked.

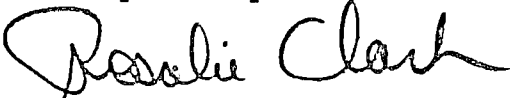
We request that OAL endorse and file the following editorial corrections adopted by the Department in order to achieve harmony among the provisions in this example.

Editorial Corrections

1. Revise "e" references cited in subsections (v) and (vi) of this example to read "(v)"; and,
2. Revise "f" references cited in subsections (vi) and (vii) of this example to read "(vi)"; and,
3. Revise "g" references cited in subsections (vii) and (viii) of this example to read "(vii)".

Since these revisions are minor, the Department is requesting an early review and effective date. If the OAL endorsement/filing is timely, we will avoid the necessity of issuing a separate "errata" page and will incorporate this change along with the other ORD #382-14 revisions into one manual letter. The desired corrections are depicted by strike-out and underline in the attached filing instruction.

Thank you for your assistance with this matter.



Rosalie Clark, Chief
Office of Regulations Development

Attachments

FACE SHEET
(OAL-4)

83-1019-5
(See Instructions on Reverse)

ORD #483-29

FOR FILING ADMINISTRATIVE REGULATIONS
WITH THE OFFICE OF ADMINISTRATIVE LAW

RECEIVED FOR FILING

OCT 19 2 55 PM '83

OFFICE OF
ADMINISTRATIVE LAW
ENDORSED
APPROVED FOR FILING

NOV 17 1983

Office of Administrative Law

LEAVE BLANK

1. ATTACHED ARE REGULATIONS ADOPTED,
AMENDED OR REPEALED BY:

Department of Social Services

(AGENCY)

BY:

Linda S. McMahon

(AGENCY OFFICER AUTHORIZED TO SUBMIT REGULATIONS)

FILED

In the office of the Secretary of State
of the State of California

NOV 17 1983

At 4:07 o'clock P. M.

MARCH FONG EU, Secretary of State

By *Patricia Patridge*
Deputy Secretary of State

LEAVE BLANK

AGENCY CONTACT PERSON AND POSITION

Pat Patridge, Regulations Analyst

TELEPHONE

3-0884

2. Indicate California Administrative Code Title and specify sections to be amended, adopted, and/or repealed:

SECTIONS AMENDED

Title: 30-051.13

SECTIONS ADOPTED

SECTIONS REPEALED

3. TYPE OF ORDER (CHECK ONE)

☐ Regular

☐ Emergency
(Attach Finding of Emergency)

☒ Certificate of Compliance

Other Regulatory Actions:

☐ Procedural and Organizational
Change

☐ Editorial Correction

☐ Authority and Reference
Citation Change

4. IS THIS ORDER A RESUBMITTAL OF A PREVIOUSLY DISAPPROVED OR WITHDRAWN REGULATION?

☒ No

☐ Yes, if yes give date of previous filing

5. IS THIS FILING A RESULT OF THE AGENCY'S REVIEW OF EXISTING REGULATIONS?

☒ No

☐ Yes

6. IF THESE REGULATIONS REQUIRED PRIOR REVIEW AND APPROVAL BY ANY OF THE FOLLOWING AGENCIES,
CHECK THE APPROPRIATE BOX OR BOXES.

☐ State Fire Marshal
(Attach Approval)

☐ Building Standards Comm.
(Attach Approval)

☐ Fair Political Practices Comm.
(Include FPPC Approval Stamp)

☐ Department of Finance
(Attach STD. Form 399)

7a. PUBLICATION DATE OF NOTICE IN CALIFORNIA
ADMINISTRATIVE NOTICE REGISTER

July 29, 1983

b. DATE OF ADOPTION OF REGULATION(S)

OCT 17 1983

c. DATES OF AVAILABILITY OF MODIFIED
REGULATION(S) (GOV. CODE SEC. 11346.8(c))

N/A

8. WAS THIS REGULATORY ACTION SCHEDULED ON YOUR AGENCY RULEMAKING CALENDAR?

☒ No

☐ Yes

9. EFFECTIVE DATE OF REGULATORY CHANGES: (SEE GOVERNMENT CODE SECTION 11346.2 AND INSTRUCTIONS
ON REVERSE)

a. ☐ Effective 30th day after filing with the Secretary of State.

b. ☐ Effective on _____ as required by statutes: (list) _____

c. ☐ Effective on _____ (Designate effective date **earlier than** 30 days after filing with the Secretary
of State pursuant to Government Code Section 11346.2(d).)

☐ Request Attached


d. ☐ Effective on _____ (Designate effective date **later than** 30 days after filing with the Secretary of
State.)

CERTIFICATE OF COMPLIANCE - Section 11346.1(e), Government Code

The Department of Social Services hereby certifies that it has complied with the provisions of Sections 11346.4 through 11346.8 inclusive of the Government Code, within 120 days of the effective date of the following emergency regulations which were filed with the Secretary of State on June 27, 1983, and which became effective on June 27, 1983.

Section 30-051.13.

No Amendments or repealers resulted from the public hearing held on September 12, 1983.



LINDA S. McMAHON
Director

10/17/83
Date

Amend Section 30-051 to read:

CHAPTER 30-050 SERVICE PROGRAM NO. 1: INFORMATION AND REFERRAL SERVICES

30-051 GENERAL

30-051

1. Program Definition

All regulations contained in Sections 30-051, 052, 053, and 054 which establish provisions for health-related transportation within the Information and Referral Program shall have no force or effect after December 31, 1982 as provided in statute, unless extended by statute prior to that date.

1. Information and referral services means those activities by social service staff to:

- 1.1 Enable persons to have current and accurate knowledge about the available public and private resources established to help alleviate socio-health problems.
- 1.2 Provide short-term help to enable persons to identify and gain access to resources appropriate to their needs.
- 1.3 Provide beneficiaries under the California Medical Assistance Program (Medi-Cal) with health-related transportation to meet an urgent need as specified in Welfare and Institutions Code 13004.

1.13 Welfare and Institutions Code 13004 states: The transportation services shall be maintained at least at the level provided by counties as part of health-related services as provided for in the Welfare and Institutions Code Section 12251 on September 30, 1981.

- a. Welfare and Institutions Code Section 12251 stated as of September 30, 1981, in part: the term "social services" includes health-related services and transportation services as such services are defined in order to secure maximum federal financial participation.

Authority: Welfare and Institutions Code Section 10553.

Reference: Welfare and Institutions Code Section 13004.

FACE SHEET
(OAL-4)

(See Instructions on Reverse)

FOR FILING ADMINISTRATIVE REGULATIONS
WITH THE OFFICE OF ADMINISTRATIVE LAW

ORD 383-20b

RECEIVED FOR FILING

Nov 18 4 22 PM '83

ENDORSED
APPROVED FOR FILING

NOV 21 1983

Office of Administrative Law

LEAVE BLANK

1. ATTACHED ARE REGULATIONS ADOPTED,
AMENDED OR REPEALED BY:

State Department of Social Services
(AGENCY)

BY: Linda S. Nicholson
(AGENCY OFFICER AUTHORIZED TO SUBMIT REGULATIONS)

83 1118 2
FILED
In the office of the Secretary of State
of the State of California

NOV 21 1983
At 4:40 o'clock P. M.
MARCH FONG EU, Secretary of State
By Cathleen Patrick
Deputy Secretary of State

LEAVE BLANK

AGENCY CONTACT PERSON AND POSITION

Rick Torres, Regulations Analyst

TELEPHONE

3-0883/5-0313

2. Indicate California Administrative Code Title and specify sections to be amended, adopted, and/or repealed:

SECTIONS AMENDED

Title: 63-034

SECTIONS ADOPTED

SECTIONS REPEALED

3. TYPE OF ORDER (CHECK ONE)

☐ Regular

☒ Emergency
(Attach Finding of Emergency)

☐ Certificate of Compliance

Other Regulatory Actions:

☐ Procedural and Organizational
Change

☐ Editorial Correction

☐ Authority and Reference
Citation Change

4. IS THIS ORDER A RESUBMITTAL OF A PREVIOUSLY DISAPPROVED OR WITHDRAWN REGULATION?

☒ No

☐ Yes, if yes give date of previous filing _____

5. IS THIS FILING A RESULT OF THE AGENCY'S REVIEW OF EXISTING REGULATIONS?

☒ No

☐ Yes

6. IF THESE REGULATIONS REQUIRED PRIOR REVIEW AND APPROVAL BY ANY OF THE FOLLOWING AGENCIES, CHECK THE APPROPRIATE BOX OR BOXES.

☐ State Fire Marshal
(Attach Approval)

☐ Building Standards Comm.
(Attach Approval)

☐ Fair Political Practices Comm.
(Include FPPC Approval Stamp)

☐ Department of Finance
(Attach STD. Form 399)

7a. PUBLICATION DATE OF NOTICE IN CALIFORNIA
ADMINISTRATIVE NOTICE REGISTER

b. DATE OF ADOPTION OF REGULATION(S)

c. DATES OF AVAILABILITY OF MODIFIED
REGULATION(S) (GOV. CODE SEC. 11346.8(c))

8. WAS THIS REGULATORY ACTION SCHEDULED ON YOUR AGENCY RULEMAKING CALENDAR?

☒ No

☐ Yes

9. EFFECTIVE DATE OF REGULATORY CHANGES: (SEE GOVERNMENT CODE SECTION 11346.2 AND INSTRUCTIONS ON REVERSE)

a. ☐ Effective 30th day after filing with the Secretary of State.

b. ☐ Effective on _____ as required by statutes: (list) _____

c. ☐ Effective on _____ (Designate effective date **earlier than** 30 days after filing with the Secretary of State pursuant to Government Code Section 11346.2(d).)

☐ Request Attached

d. ☒ Effective on January 1, 1984 (Designate effective date **later than** 30 days after filing with the Secretary of State.)

INSTRUCTIONS FOR STD 400
(OAL-4)

A completed Face Sheet for Filing Regulations With the Office of Administrative Law must be attached to the front of each of the seven copies of the regulations. Note that at least one Face Sheet must contain an original signature of the agency officer authorized to submit regulations.

Part 1. Provide agency name and signature of the agency officer. Also provide the name and telephone number of the person who can answer questions regarding this regulatory filing.

Part 2. Provide the Administrative Code Title in which the regulation will appear and list each section number to be amended, adopted, or repealed.
(Attach additional sheets if necessary.)

Part 3. Check appropriate box. If other than a regular or emergency filing or certificate of compliance, check the appropriate box under "Other Regulatory Action." Note: Procedural and organizational changes, editorial corrections and authority and reference citation changes are reviewed and are subject to OAL approval.

Part 4. Check appropriate box.

Part 5. Regulatory activity resulting from the agency's review of existing regulations should be submitted in a separate filing. If not submitted separately, regulations not resulting from the review and any material in the rulemaking file relating to them must be clearly identified.

Part 6. Certain regulatory activities must be reviewed and approved by other state agencies prior to submittal to OAL. Regulations subject to prior approval include:

- a. Fire and panic safety regulations (Gov. Code Sec. 11342.3).
- b. Building standards as defined in Section 18969 of the Health and Safety Code (Gov. Code Sec. 11343).
- c. Conflict of Interest regulations (Gov. Code Sec. 87300 et seq.).

Note: Regulations that have a fiscal impact on state, local or federal government or result in reimbursable costs to local government or school districts should be discussed with the Department of Finance. See Government Code Sections 11346.5(a) (6), 11349.1 and S.A.M. Sections 6050-6057.

Part 7. a. Provide the publication date of the Notice Register in which the initial notice regarding these regulations appeared.

b. Provide the date on which the regulatory agency adopted the regulation(s).

c. If the regulations were modified subsequent to the hearing or written comment period, provide the date the modified regulations were made available to the public. Note that this date must be at least 15 days prior to the date indicated in (b.) above.

Part 8. Check appropriate box. This information is for statistical purposes.

Part 9. Effective Dates—check one of the following:

- a. If regulations are to be effective 30 days after filing with the Secretary of State.
- b. If an effective date other than (a.) is required by statute, provide the date and the statutory citation(s).
- c. If a designated effective date is being requested, please include a letter specifying the date the regulation(s) should take effect and the reason for the earlier effective date. Requests are granted by OAL for good cause shown.
- d. If an effective date later than (a.) is requested, provide the date.

Filing Requirements

The following material must be submitted when filing regulations with OAL:

- Seven (7) copies of the regulations. Note: Use underline/strikeout to indicate changes in an existing section. Repeal of an entire section may be indicated by placing a diagonal slash through text. For adoption of new section, underscore is not required
- A completed Face Sheet for Filing Regulations With the Office of Administrative Law, form STD 400 (OAL-4) attached to the front of each copy of the regulations, with at least one Face Sheet bearing an original signature.
- Complete rulemaking file, with index and sworn statement. (See Government Code Section 11347.3 for full list of rulemaking file contents and Appendix 13 of OAL Regulations Handbook for a rulemaking file checklist.)

INITIAL STATEMENT OF REASONS

a) General Purpose of the Regulations

This regulation implements that provision of the Continuing Resolution Bill signed by the President on October 1, 1983, which allows states the option of implementing the monthly reporting/retrospective budgeting (MR/RB) provisions on January 1, 1984.

b) Specific Purpose of the Regulations and Factual Basis for Determination that Regulations are Necessary

The purpose of this regulation is to change the effective date of the Food Stamp Program MR/RB regulations from December 1, 1983 to January 1, 1984. Aligned AFDC program regulations are now effective January 1, 1984. Uniformity between the two programs will result in consistency for the recipients of aid under the programs and in ease of administering the programs for the CWDs. Joint food stamp/AFDC reporting forms and notices of action have been prepared to be used by recipients and the CWDs. If the effective date is not changed, there will be a significant adverse impact to both recipients of AFDC and food stamps. Additionally, a January 1, 1984, effective date will allow for a more effective transition to MR/RB in the CWDs and will have no adverse impact on recipients.

c) Identification of Documents Upon Which Department is Relying

7 CFR 272.1(g)

d) Local Mandate Statement

These emergency regulations do constitute a mandate to local agencies, but not to any school district. There are no state mandated local costs in this order that require reimbursement under Section 2231 of the Revenue and Taxation Code because this order affirms for the state that which has been declared existing law or regulation by the federal government.

e) Statement of Potential Cost Impact on Public Agencies, Private Persons, or Entities Directly Affected

These proposed regulations have no adverse impact on public agencies, private persons, or entities.

f) Small Business Impact Statement

These proposed emergency regulations contain no provisions which will have an adverse impact, whatsoever, on small businesses.

PUBLIC NOTICE

Public Hearing

Item #__ : EMERGENCY IMPLEMENTATION ORDER FOR MONTHLY
REPORTING/RETROSPECTIVE BUDGETING (MR/RB)

CHAPTERS: 63-034 (Implementation of Monthly
Reporting/Retrospective Budgeting)

INFORMATIVE DIGEST: The proposed emergency regulations will implement change in the original federally mandated implementation date of October 1, 1983. As a result of the passage of the Continuing Resolution Bill signed by the President on October 1, 1983, states are allowed to delay the implementation of the monthly reporting/retrospective budgeting (MR/RB) regulations until January 1, 1983. SDSS has opted to implement on January 1, 1984 to allow counties one more month to train and prepare for MR/RB and to allow for a more effective and orderly transition to MR/RB, and to align with the Aid for Families with Dependent Children (AFDC) regulations. Uniformity between the two programs will allow for an orderly transition and ease in administering the programs for the CWDs.

COST ESTIMATE:

1. Costs and Savings to State Agencies: -0
2. Costs and Savings to Local Agencies or School Districts: -0
3. Nondiscretionary Costs or Savings to Local Agencies: -0
4. Federal Funding to State Agencies: -0

LOCAL MANDATE STATEMENT: These emergency regulations do constitute a mandate to local agencies, but not to any school district. There are no state mandated local costs in this order that require reimbursement under Section 2231 of the Revenue and Taxation Code because this order affirms for the state that which has been declared existing law or regulation by the federal government.

STATEMENT OF POTENTIAL COST IMPACT ON PUBLIC AGENCIES, PRIVATE PERSONS, OR ENTITIES DIRECTLY AFFECTED: The Department of Social Services finds that the adoption of this regulation will result in no cost impact on public agencies, private persons, or entities directly affected.

SMALL BUSINESS IMPACT STATEMENT: These proposed regulations contain no provisions which will have a significant impact on small businesses.

AUTHORITY AND REFERENCE CITATIONS: Welfare and Institutions Code Sections 10553, 18901, and 18904.

EMERGENCY STATEMENT: These regulations are being implemented on an emergency basis for the immediate preservation of the public health, peace and safety or general welfare within the meaning of Section 11346.1 of the Government Code.

The following facts constitute the Statement of Emergency:

On September 30, 1983 regulations were filed with the Secretary of State to implement Monthly Reporting/Retrospective Budgeting (MR/RB) in the Food Stamp Program. The effective date of the regulations is December 1, 1983.

The MR/RB regulations will effectuate changes mandated by the federal government as a result of Public Law 96-249 in 7 CFR Parts 271, 272, and 273. The major change permits CWDs to compute food stamp benefits for most recipients by using past information, rather than anticipated future circumstances, as in the current method of determining Food Stamp Program benefits.

These regulations also require most food stamp households to report in detail certain information relevant to their continued eligibility and coupon allotment on a monthly basis. Currently, households are required to report changes to the household's circumstances as the changes occur. It is anticipated that the fraud and error rate will be reduced in most counties due to monthly reporting and retrospective budgeting. In addition, these proposed regulations contain various editorial changes renumbering and restructuring of current regulations for the purpose of clarity.

The purpose of this proposed emergency regulation is to change the effective date of the MR/RB regulations from December 1, 1983 to January 1, 1984. The facts justifying the filing of this regulation on an emergency basis are as follows.

Federal law and regulations had previously mandated that the MR/RB implementation date was to be October 1, 1983. Because the Department could not meet that implementation date and still allow CWDs time to adequately prepare for such a significant change in the administration of the Food Stamp Program, a December 1, 1983 implementation date was selected as the earliest possible implementation date.

In addition to the changes made in the Food Stamp Program, changes are to be made to AFDC regulations that would align the AFDC and food stamp requirements insofar as possible. Seventy percent of AFDC recipients are also recipients of food stamps. Uniformity between the two programs will result in consistency for the recipients of aid under the programs and ease in administering the programs for the CWDs. Joint food stamp/AFDC reporting forms and notices of action were prepared to be used by recipients and CWDs.

On October 1, 1983, Public Law 98-107, the federal Continuing Resolution Bill, was signed by the President changing the required implementation date for MR/RB to January 1, 1984. This provides an opportunity to effectuate a more orderly transition to MR/RB.

The changes to the AFDC program have now been made effective January 1, 1984. The only way in which to change the effective date of the MR/RB regulations to January 1, 1984 is by adoption of this regulation on an emergency basis.

If the effective date is not changed, there will be a significant adverse impact on both CWDs and recipients of AFDC and food stamps.

On October 7, 1983, a temporary restraining order was issued against the Department in the case of Saldivar v. McMahon, enjoining certain provisions of the AFDC and food stamp MR/RB regulations relating to notices of action sent to recipients and the use of specific notices of action.

The temporary restraining order in Saldivar enjoined the Department from taking any steps toward implementing the challenged procedures and notice of action language that are linked to the MR/RB regulations. We have, therefore, been unable to instruct the CWDs on how to prepare for implementation of this aspect of MR/RB. A decision from the court on the preliminary injunction had been expected in early November but now is expected in late November. CWDs must now be notified of what forms and procedures to use. With a January 1, 1984 implementation date it is anticipated that the CWDs will have sufficient time to prepare the appropriate notices of action. If we must implement by December 1, 1983, we are uncertain as to the ability of all CWDs to make the necessary changes.

The implementation of MR/RB represents a fundamental change to the Food Stamp Program and the manner in which it is administered. Significant new responsibilities will be imposed on recipients and CWDs alike. To promulgate such changes without providing for an orderly transition through adequate training of

CWDs and dissemination of information concerning the new requirements to recipients can and most probably will result in much confusion and error to the detriment of both CWDs and recipients.

By implementing MR/RB on January 1, 1984 there will be a greater ability to provide the training for CWDs necessary to effectuate a smooth transition to the new requirements. There will be time to give recipients advance notice of the new requirements and how those requirements will effect the recipients' eligibility for and receipt of aid. If both the training of CWDs and the sending of information to recipients occur sufficiently in advance of the implementation date of MR/RB, fewer mistakes will be made by recipients and eligibility workers. This will ensure the timely and accurate receipt of benefits.

In addition to the benefits described above, the result of a later effective date and a reduced potential for error by eligibility workers will avoid an adverse impact on the food stamp error rate for quality control purposes as well. Increased error rates could subject the Department to federal sanctions in the Food Stamp Program.

Unlike most emergency regulations which seek to implement substantive changes in advance of public review and comment, the effect of this regulation is to delay the effective date of a regulation package that has already been to public hearing and been reviewed and approved by the Office of Administrative Law. The adoption of this regulation will have no adverse impact on recipients or CWDs. On the contrary, a later effective date is necessary to allow for a more effective transition to MR/RB in the Food Stamp Program and to avoid the confusion, errors and hardship to CWDs and recipients that is the likely result of the earlier implementation date.

Amend Section 63-034 to read:

**63-034 IMPLEMENTATION OF MONTHLY REPORTING AND
RETROSPECTIVE BUDGETING**

63-034

Effective ~~December~~ January 1, 19834, CWDs shall implement the provisions of Monthly Reporting and Retrospective Budgeting promulgated by Public Laws 96-39 and 97-35. CWDs shall provide all new applicants and currently certified households with the written explanation of monthly reporting/retrospective budgeting, and the sample monthly report (CA 7) provided by SDSS, and a blank monthly report (CA 7). ~~January~~ February 1984 shall be the first month in which CA 7s are due and ~~February~~ March 1984 shall be the first month of retrospective budgeting.

The provisions contained in Section 63-505.2 shall be used to determine which households shall be subject to monthly reporting and/or retrospective budgeting requirements.

Authority: Welfare and Institutions Code Section 10553 and 18904.

Reference: Welfare and Institutions Code Sections 18901 and 18904, 7 CFR 272.1(g).

FILED
In the office of the Secretary of State
of the State of California

NOV 7 - 1983

At 4:58 o'clock P. M.

MARGH FONG EU, Secretary of State

By Venus Little
Deputy Secretary of State


NOTICE OF REPEAL

GOVERNMENT CODE SECTION 11346.1

Pursuant to the provisions of Government Code Section 11346.1(f), the Department of Social Services is hereby notified that the emergency amendment to the Department's Manual of Policies and Procedures Section 63-301.531 which became effective on July 1, 1983, was repealed by operation of law on October 31, 1983. Section 63-301.531, as it existed immediately prior to the emergency amendment referenced herein, was therefore, reinstated by operation of law on October 31, 1983, and shall be reprinted in the California Administrative Code in place of the emergency amendments.

This notice is given and this action is taken pursuant to the provisions of Government Code Section 11346.1(f) because the Department failed, within 120 days of the adoption of the emergency amendment, to complete the regulation adoption process by formally adopting the emergency amendment in accordance with the provisions of the Administrative Procedure Act as required by Government Code Section 11346.1(e).

DATED: November 7, 1983


LINDA STOCKDALE BREWER
Director

RECORDED
NOV 7 1983
Office of Administrative Law

FOR FILING ADMINISTRATIVE REGULATIONS
WITH THE OFFICE OF ADMINISTRATIVE LAW

8310243

RECEIVED FOR FILING
OCT 24 3 14 PM '83
ADMINISTRATIVE LAW

1. ATTACHED ARE REGULATIONS ADOPTED,
AMENDED OR REPEALED BY:

FILED
In the office of the Secretary of State
of the State of California

ENDORSED

NOV 23 1983

Office of Administrative Law
LEAVE BLANK

Department of Social Services

(AGENCY)

BY:

(AGENCY OFFICER AUTHORIZED TO SUBMIT REGULATIONS)

NOV 23 1983

At 4:19 p'clock P. M.

MARCH FONG EU, Secretary of State

By Cathleen Patuck
Deputy Secretary of State

AGENCY CONTACT PERSON AND POSITION

Janet Lombard, Regulations Analyst

TELEPHONE

323-1899

2. Indicate California Administrative Code Title and specify sections to be amended, adopted, and/or repealed:

SECTIONS AMENDED

Title: 30-758

SECTIONS ADOPTED

SECTIONS REPEALED

3. TYPE OF ORDER (CHECK ONE)

☒ Regular

☐ Emergency
(Attach Finding of Emergency)

☐ Certificate of Compliance

Other Regulatory Actions:

☐ Procedural and Organizational
Change

☐ Editorial Correction

☐ Authority and Reference
Citation Change

4. IS THIS ORDER A RESUBMITTAL OF A PREVIOUSLY DISAPPROVED OR WITHDRAWN REGULATION?

☒ No

☐ Yes, if yes give date of previous filing

5. IS THIS FILING A RESULT OF THE AGENCY'S REVIEW OF EXISTING REGULATIONS?

☒ No

☐ Yes

6. IF THESE REGULATIONS REQUIRED PRIOR REVIEW AND APPROVAL BY ANY OF THE FOLLOWING AGENCIES, CHECK THE APPROPRIATE BOX OR BOXES.

☐ State Fire Marshal
(Attach Approval)

☐ Building Standards Comm.
(Attach Approval)

☐ Fair Political Practices Comm.
(Include FPPC Approval Stamp)

☐ Department of Finance
(Attach STD. Form 399)

7a. PUBLICATION DATE OF NOTICE IN CALIFORNIA
ADMINISTRATIVE NOTICE REGISTER

6/3/83

b. DATE OF ADOPTION OF REGULATION(S)

October 20, 1983

c. DATES OF AVAILABILITY OF MODIFIED
REGULATION(S) (GOV. CODE SEC. 11346.8(c))

8. WAS THIS REGULATORY ACTION SCHEDULED ON YOUR AGENCY RULEMAKING CALENDAR?

☒ No

☐ Yes

9. EFFECTIVE DATE OF REGULATORY CHANGES: (SEE GOVERNMENT CODE SECTION 11346.2 AND INSTRUCTIONS ON REVERSE)

a. ☒ Effective 30th day after filing with the Secretary of State.

b. ☐ Effective on _____ as required by statutes: (list) _____

c. ☐ Effective on _____ (Designate effective date **earlier than** 30 days after filing with the Secretary of State pursuant to Government Code Section 11346.2(d).)

☐ Request Attached

d. ☐ Effective on _____ (Designate effective date **later than** 30 days after filing with the Secretary of State.)

INSTRUCTIONS FOR STD 400
(OAL-4)

A completed Face Sheet for Filing Regulations With the Office of Administrative Law must be attached to the front of each of the seven copies of the regulations. Note that at least one Face Sheet must contain an original signature of the agency officer authorized to submit regulations.

Part 1. Provide agency name and signature of the agency officer. Also provide the name and telephone number of the person who can answer questions regarding this regulatory filing.

Part 2. Provide the Administrative Code Title in which the regulation will appear and list each section number to be amended, adopted, or repealed.
(Attach additional sheets if necessary.)

Part 3. Check appropriate box. If other than a regular or emergency filing or certificate of compliance, check the appropriate box under "Other Regulatory Action." Note: Procedural and organizational changes, editorial corrections and authority and reference citation changes are reviewed and are subject to OAL approval.

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- b. Building standards as defined in Section 18969 of the Health and Safety Code (Gov. Code Sec. 11343).
- c. Conflict of Interest regulations (Gov. Code Sec. 87300 et seq.).

Note: Regulations that have a fiscal impact on state, local or federal government or result in reimbursable costs to local government or school districts should be discussed with the Department of Finance. See Government Code Sections 11346.5(a) (6), 11349.1 and S.A.M. Sections 6050-6057.

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b. Provide the date on which the regulatory agency adopted the regulation(s).

c. If the regulations were modified subsequent to the hearing or written comment period, provide the date the modified regulations were made available to the public. Note that this date must be at least 15 days prior to the date indicated in (b.) above.

Part 8. Check appropriate box. This information is for statistical purposes.

Part 9. Effective Dates—check one of the following:

- a. If regulations are to be effective 30 days after filing with the Secretary of State.
- b. If an effective date other than (a.) is required by statute, provide the date and the statutory citation(s).
- c. If a designated effective date is being requested, please include a letter specifying the date the regulation(s) should take effect and the reason for the earlier effective date. Requests are granted by OAL for good cause shown.
- d. If an effective date later than (a.) is requested, provide the date.

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- A completed Face Sheet for Filing Regulations With the Office of Administrative Law, form STD 400 (OAL-4) attached to the front of each copy of the regulations, with at least one Face Sheet bearing an original signature.
- Complete rulemaking file, with index and sworn statement. (See Government Code Section 11347.3 for full list of rulemaking file contents and Appendix 13 of OAL Regulations Handbook for a rulemaking file checklist.)

Amend Sections 30-758.1 and .3 to read:

30-758 TIME PER TASK AND FREQUENCY STANDARDS

30-758

- 1 When assessing the need for domestic services in accordance with the provisions of Section 30-763.2, the standard time shall not exceed 6 hours total per month per household except as provided in .4 below.

30-758 TIME PER TASK AND FREQUENCY STANDARDS (Continued) 30-758

- 3~~1~~ No exceptions to time per task standards adjustments shall be made due to inefficiency or incompetence of the provider.
- 3~~4~~ Counties shall make exceptions to time per task standards shall be made when the application of the standard would results in a substantial threat to the recipient's health or safety. Application of time per task standards is specified in Welfare and Institutions Code Section 12301.2.

- 41 Welfare and Institutions Code Section 12301.2 states:
Time for task standards can be used only if appropriate in meeting the individual's particular circumstances.

Authority: Welfare and Institutions Code Sections 10553, 10604, 12301.1.

Reference: Welfare and Institutions Code Section 12301.2.

12301 and

RECEIVED FOR FILING

FOR FILING ADMINISTRATIVE REGULATIONS
WITH THE OFFICE OF ADMINISTRATIVE LAW

8311231

NOV 23 1983

Office of Administrative Law

ENDORSED
APPROVED FOR FILING

NOV 25 1983

Office of Administrative Law

LEAVE BLANK

1. ATTACHED ARE REGULATIONS ADOPTED,
AMENDED OR REPEALED BY:

Department of Social Services

(AGENCY)

BY:

Jenda S. McMahon
(AGENCY OFFICER AUTHORIZED TO SUBMIT REGULATIONS)

FILED

In the office of the Secretary of State
of the State of California

NOV 25 1983

At 3:23 o'clock P. M.

MARCH FONG EU, Secretary of State

By Jemur Little
Deputy Secretary of State

LEAVE BLANK

AGENCY CONTACT PERSON AND POSITION
Merry Benard, Regulations Analyst

TELEPHONE
2-1315/5-0313

2. Indicate California Administrative Code Title and specify sections to be amended, adopted, and/or repealed:

SECTIONS AMENDED

Title: 30-132.2-.23; 30-132.3 and .31

SECTIONS ADOPTED

SECTIONS REPEALED

3. TYPE OF ORDER (CHECK ONE)

☐ Regular

☒ Emergency
(Attach Finding of Emergency)

☐ Certificate of Compliance

Other Regulatory Actions:

☐ Procedural and Organizational
Change

☐ Editorial Correction

☐ Authority and Reference
Citation Change

4. IS THIS ORDER A RESUBMITTAL OF A PREVIOUSLY DISAPPROVED OR WITHDRAWN REGULATION?

☒ No

☐ Yes, if yes give date of previous filing

5. IS THIS FILING A RESULT OF THE AGENCY'S REVIEW OF EXISTING REGULATIONS?

☒ No

☐ Yes

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CHECK THE APPROPRIATE BOX OR BOXES.

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(Attach Approval)

☐ Building Standards Comm.
(Attach Approval)

☐ Fair Political Practices Comm.
(Include FPPC Approval Stamp)

☐ Department of Finance
(Attach STD. Form 399)

7a. PUBLICATION DATE OF NOTICE IN CALIFORNIA
ADMINISTRATIVE NOTICE REGISTER

b. DATE OF ADOPTION OF REGULATION(S)

upon filing

c. DATES OF AVAILABILITY OF MODIFIED
REGULATION(S) (GOV. CODE SEC. 11346.8(c))

8. WAS THIS REGULATORY ACTION SCHEDULED ON YOUR AGENCY RULEMAKING CALENDAR?

☒ No

☐ Yes

9. EFFECTIVE DATE OF REGULATORY CHANGES: (SEE GOVERNMENT CODE SECTION 11346.2 AND INSTRUCTIONS
ON REVERSE)

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b. ☐ Effective on _____ as required by statutes: (list) _____

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☐ Request Attached

d. ☐ Effective on _____ (Designate effective date *later than* 30 days after filing with the Secretary of
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- A completed Face Sheet for Filing Regulations With the Office of Administrative Law, form STD 400 (OAL-4) attached to the front of each copy of the regulations, with at least one Face Sheet bearing an original signature.
- Complete rulemaking file, with index and sworn statement. (See Government Code Section 11347.3 for full list of rulemaking file contents and Appendix 13 of OAL Regulations Handbook for a rulemaking file checklist.)

AMEND SECTIONS 30-132.2 THROUGH .22 TO READ:

30-132. Response to Requests and Referrals. (Continued)

.2 Emergency response staff shall immediately review all requests or referrals to determine the time frame within which initial response is required, as specified in .21 through ~~122~~ .23 below.

.21 Response shall be ~~initiated within two hours~~ made immediately under either of the following circumstances:

.211 A law enforcement agency requests emergency response, unless the situation described meets the definition of "general neglect" specified in Penal Code Section 11165(c)(2).

HANDBOOK

(a) This statute defines "general neglect" as follows:

(1) The negligent failure of a person having the care or custody of a child to provide adequate food, clothing, shelter or supervision where no physical injury to the child has occurred.

.212 The request or referral ~~involves an allegation of abuse, neglect, or exploitation, except as specified in 122 below~~ indicates the existence of a situation which is likely to imminently cause physical pain, injury, disability, severe emotional harm, or death to a child.

30-132. Response to Requests and Referrals. (Continued)

.2 (Continued)

.22 Response shall be made within three calendar days under either of the following circumstances:

.221 A law enforcement agency requests response on a nonemergency basis, unless the situation meets the definition of "general neglect" specified in Penal Code Section 11165(c)(2).

.222 The request or referral involves any type of allegation of abuse, neglect, or exploitation not specified in .21 above or .23 below.

~~122~~ .23 Response shall be made within ~~five~~ ten calendar days ~~in situations~~ to requests or referrals involving an allegation of only "general neglect" as defined in Penal Code Section 11165(c)(2).

AUTHORITY: Welfare and Institutions Code Sections 10553 and 10554.

REFERENCE: Welfare and Institutions Code Sections 16501.1 and 16504.

AMEND SECTIONS 30-132.3 AND .31 TO READ:

30-132. Response to Requests and Referrals. (Continued)

.3 Upon the county welfare department's receipt of the request or referral, a social worker skilled in emergency response shall have immediate, face-to-face contact with all children and available parent(s)/guardian(s) in situations requiring ~~typical~~ immediate response.

.31 Such face-to-face contact shall be made within three calendar days in the situations specified in .22 through .222 above; and within ~~five~~ ten calendar days in situations involving allegations of "general neglect."

AUTHORITY: Welfare and Institutions Code Sections 10553 and 10554.

REFERENCE: Welfare and Institutions Code Sections 16501.1 and 16504.

FACE SHEET
FOR FILING ADMINISTRATIVE REGULATIONS
WITH THE OFFICE OF ADMINISTRATIVE LAW

ORD #483-32

RECEIVED FOR FILING

OCT 6 3 07 PM '83

OFFICE OF
ADMINISTRATIVE LAW
ENDORSED

DEC 1 1983

OFFICE OF ADMINISTRATIVE LAW

LEAVE BLANK

1. The attached are true and correct
copies of regulations adopted,
amended, or repealed by:

Department of Social Services
(Agency)

9/28/83
(Date)

By: Terrell S. McArthur
(Agency Officer with Rule-making
Authority)

8310064
FILED

In the office of the Secretary of State
of the State of California

DEC 1 - 1983

At 4:09 o'clock P. M.

MARCH FONG EU, Secretary of State

By: Marjorie Vershberger
Deputy Secretary of State

LEAVE BLANK

AGENCY CONTACT PERSON AND POSITION

TELEPHONE NUMBER

Dion Webb Regulations Analyst

445-0313

2. Indicate California Administrative Code Title and specify sections to be amended, adopted,
and/or repealed:

Title _____

Sections Amended: MPP 63-030 and 63-503

Sections Adopted: _____

Sections Repealed: _____

3. Type of Order:

a. ☐ Regular

b. ☐ Emergency (attach Finding of Emergency)

c. ☒ Other Regulatory Action:

☒ Certificate of Compliance

☐ Procedural and Organizational Changes

☒ Editorial Correction

☐ Authority and Reference Citation Changes

d. Check one: ☐ ALL ☐ SOME ☒ NONE of the regulatory changes in this order are the result
of the agency's review of existing regulations (see instructions in Part 3(b) on reverse).

e. ☐ This order is a resubmittal of previously disapproved or withdrawn regulations.

f. These regulations ☐ DO ☒ DO NOT contain building standards as defined in Section 18909
of the Health and Safety Code.

g. ☐ These are Conflict of Interest regulations containing the FPPC approval stamp and:

☐ Are to be published in full in the Administrative Code.

☐ Are to be codified by appropriate reference in the Administrative Code.
(Include a statement as to where the full text may be obtained.)

h. ☐ These are fire and panic safety regulations containing State Fire Marshal approval.

4. Effective Date of Regulatory Changes: Upon filing with the Secretary of State.

Government Code Section 11346.2 provides that a regulation is effective on the 30th day
after the date of filing with the Secretary of State. If an exception is desired, see the
instructions on reverse. Check the appropriate box and fill in the appropriate information
below.

a. ☐ On _____ as required
by statutes: _____

b. ☐ On _____ (Designated
Effective Date earlier than 30 days
after filing with the Secretary of
State pursuant to Government Code
Section 11346.2(d)).

c. ☐ On _____ (Designated
Effective Date later than 30 days after
filing with the Secretary of State).

CERTIFICATE OF COMPLIANCE - Section 11346.1(e), Government Code

The Department of Social Services hereby certifies that it has complied with the provisions of Sections 11346.4 through 11346.8 inclusive of the Government Code, within 120 days of the effective date of the following emergency regulations which were filed with the Secretary of State on June 10, 1983, and which became effective on July 1, 1983.

Manual of Policy and Procedures, Division 63, Chapter 100, 300, and 500, Sections:

Amended

63-107
63-301
63-503

Adopted

63-030

These regulations were presented at public hearing on July 20, 1983.

As a result of the public hearing process the following sections have been:

Amended

63-030
63-503



LINDA S. McMAHON
Director

9/28/83
Date

Amend Section 63-030 to read:

63-030 IMPLEMENTATION OF EXPEDITED SERVICE PROVISIONS 63-030

CWDs shall implement these emergency regulations on Expedited Services promulgated by in response to Public Law 97-253, 7 USC 2020(e)(9), ~~to~~ which amends the Food Stamp Act of 1977, effective on the first of July 1983.

Sections covered by this order are: 63-107, 301, and 503.

Authority: Welfare and Institutions Code Sections 10553, 10554, and 18904.

Reference: Welfare and Institutions Code Sections 10553, 10554, and 18904.

Amend Section 63-503.41 to read:

63-503 DETERMINING HOUSEHOLD ELIGIBILITY AND BENEFIT
LEVELS (Continued)

63-503

.4 Destitute Households (Continued)

Migrant or seasonal farmworker households may have little or no income at the time of application and may be in need of immediate food assistance, even though they receive income at some other time during the month of application. The following procedures shall be used to determine when migrant or seasonal farmworker households in these circumstances may be considered destitute and, therefore, entitled to expedited service and special income calculation procedures. Households other than migrant or seasonal farmworker households shall not be classified as destitute.

- .41 Migrant or seasonal farmworker households whose only income for the month of application was received prior to the date of application, and was from a terminated source, shall be considered destitute households and shall be provided expedited service.

Authority: Welfare and Institutions Code Sections 10553, 10554 and 18904.

Reference: Welfare and Institutions Code Sections 10553, 18901 and 18914; 7 CFR Part 273.2 and 273.10.

EDITORIAL CORRECTIONS
Food Stamp Expedited Services

Amend reference citation for 63-107 to read:

Reference: Welfare and Institutions Code Sections 18901 and
18914; 7 CFR Part 271.7(e)(2)(ii) and 273.2(i)(3)(i).

Amend reference citation for 63-301 to read:

Reference: Welfare and Institutions Code Sections 10553, 18901,
and 18914; 7 CFR Part 271.1(e)(2)(ii), 273.2 and
273.10.

FOR FILING ADMINISTRATIVE REGULATIONS
WITH THE OFFICE OF ADMINISTRATIVE LAW

RECEIVED AND FILED

DEC - 8 1983

Office of Administrative Law

ENDORSED

APPROVED FOR FILING

DEC 19 1983

Office of Administrative Law

1. ATTACHED ARE REGULATIONS ADOPTED,
AMENDED OR REPEALED BY:

State Department of Social Services

(AGENCY)

BY:

(AGENCY OFFICER AUTHORIZED TO SUBMIT REGULATIONS)

8312082

FILED

In the office of the Secretary of State
of the State of California

DEC 19 1983

At 4:27 o'clock P.M.

MARCH FONG EU, Secretary of State

By: Catherine Katsch
Deputy Secretary of State

LEAVE BLANK

AGENCY CONTACT PERSON AND POSITION

Diane Moritz Glazer, Regulations Analyst 323-0885

TELEPHONE

2. Indicate California Administrative Code Title and specify sections to be amended, adopted, and/or repealed:

SECTIONS AMENDED

Title: MPP 40-181.24; 40-181.32; 44-103.31

SECTIONS ADOPTED

SECTIONS REPEALED

3. TYPE OF ORDER (CHECK ONE)

☒ Regular ☐ Emergency (Attach Finding of Emergency) ☐ Certificate of Compliance

Other Regulatory Actions:

☐ Procedural and Organizational Change ☐ Editorial Correction ☐ Authority and Reference Citation Change

4. IS THIS ORDER A RESUBMITTAL OF A PREVIOUSLY DISAPPROVED OR WITHDRAWN REGULATION?

☐ No ☒ Yes, if yes give date of previous filing October 21, 1983

5. IS THIS FILING A RESULT OF THE AGENCY'S REVIEW OF EXISTING REGULATIONS?

☒ No ☐ Yes

6. IF THESE REGULATIONS REQUIRED PRIOR REVIEW AND APPROVAL BY ANY OF THE FOLLOWING AGENCIES, CHECK THE APPROPRIATE BOX OR BOXES.

☐ State Fire Marshal (Attach Approval) ☐ Building Standards Comm. (Attach Approval) ☐ Fair Political Practices Comm. (Include FPPC Approval Stamp) ☐ Department of Finance (Attach STD. Form 399)7a. PUBLICATION DATE OF NOTICE IN CALIFORNIA
ADMINISTRATIVE NOTICE REGISTER

April 22, 1983

b. DATE OF ADOPTION OF REGULATION(S)

December 7, 1983

c. DATES OF AVAILABILITY OF MODIFIED
REGULATION(S) (GOV. CODE SEC. 11346.8(c))
Sept. 23 - Oct. 8, 1983

8. WAS THIS REGULATORY ACTION SCHEDULED ON YOUR AGENCY RULEMAKING CALENDAR?

☒ No ☐ Yes

9. EFFECTIVE DATE OF REGULATORY CHANGES: (SEE GOVERNMENT CODE SECTION 11346.2 AND INSTRUCTIONS ON REVERSE)

a. ☐ Effective 30th day after filing with the Secretary of State.b. ☐ Effective on _____ as required by statutes: (list) _____c. ☒ Effective on January 1, 1984 (Designate effective date earlier than 30 days after filing with the Secretary of State pursuant to Government Code Section 11346.2(d).)☒ Request Attachedd. ☐ Effective on _____ (Designate effective date later than 30 days after filing with the Secretary of State.)

Amend MPP Section 40-181.24 to read:

40-181 CONTINUING ACTIVITIES AND DETERMINATION
OF ELIGIBILITY (Continued)

40-181

•2 Periodic Determination of Eligibility (Continued)

•24 Definition of a Complete Criteria for Evaluating
Information Reported on the CA 7.

•241 For AFDC purposes, a CA 7 is complete if when all the following requirements are met:

•241(a) The date the CA 7 is signed shall be dated no earlier than the 1st day of the report month. However, this requirement is met when the date entered on the CA 7 by the recipient, together with other dated material provided with the CA 7 and the date on which the CWD mailed or gave the CA 7 to the recipient, clearly establishes that the CA 7 was signed no earlier than the first of the report month; and

•242(b) The boxes for the address and county where signed along with other information provided on the CA 7 shall be completed, sufficient for county administrative purposes, including the ability to locate the recipient; and

•243(c) The CA 7 shall be signed by each natural or adoptive parent or aided spouse of a parent or other the caretaker relative or the natural or adoptive parent(s), living in the home, unless an individual so specified is temporarily absent from the home (see Section 44-203.115); and

(d) The CA 7 must include the number of days and hours worked for a wage earner whose unemployment status constitutes a basis of deprivation for at least one child in the assistance unit; and

•244(e) The response to all questions and items pertaining to AFDC eligibility and grant amount shall be fully answered provide the CWD with information sufficient to answer the question. The complete information provided on the CA 7

together with the submitted evidence must provide be sufficient for the county with the necessary information to correctly determine eligibility and/or grant amounts, including the income and any change in resources of a stepparent living in the home. Reported income shall include earned, unearned, exempt, and nonexempt income received during the budget month; and

*245(f) Evidence shall be submitted with the CA 7 to establish verify the gross amount of all earned income received, and the time and frequency date of receipt. Evidence shall be submitted to verify initial receipt of or a change in the amount of unearned income received. Such evidence includes but is not limited to: pay stubs, letters of award or benefits (such as unemployment, disability, and/or Social Security), statements showing interest income, dividend income, tax return showing the amount of EIC received, etc. Reported income shall include earned, unearned, exempt and nonexempt income received during the budget month Documents and records submitted with the CA 7 shall be promptly returned to the recipient; and

*246 Receipts for dependent care reported on the CA 7 shall be included. See Section 44-113-215(c) for other acceptable submitted evidence. However, lack of such evidence shall not, in and of itself, result in discontinuance. Instead, the reported expenses shall be disallowed if such evidence is not received and

*247(g) Information reported on the CA 7 must be consistent with other information which the county has verified to be accurate; and

*248(h) A complete The CA 7 shall includes form CA 72 (as defined in .25 below) when the recipient is a sponsored alien.

.242 Failure to provide the information or evidence specified in .241 above shall result in the discontinuance of the assistance unit unless otherwise specified in .25 below. (See Section 40-181.22).

.243 The following information or evidence shall be provided before the appropriate deduction or disregard from earnings is allowed:

- (a) A \$75 standard work expense disregard shall be allowed only when the number of days and hours worked are reported on the CA 7 and the conditions of Section 44-113.214(a) are met. If the days and hours worked are not reported on the CA 7, a standard work expense disregard of \$50 shall be allowed when other reported information (e.g., pay period covered by wages, etc.) is sufficient to determine that the recipient was employed at some time during the month (see Section 44-113.214(b)).
- (b) Information regarding or receipts for dependent care reported on the CA 7 (See Section 44-113.215(c) for acceptable evidence).
- (c) Verification of self-employment expenses (See Section 44-113.212).
- (d) Information regarding or verification of child support paid (See Section 44-113.9).

.244 Failure to provide the information or evidence specified in .243 above shall result in the disallowance of the deduction or disregard. Failure to provide the information on the form or to provide the evidence shall not, in and of itself, render the CA 7 incomplete as defined in .241 above.

Authority: Welfare and Institutions Code Sections 10553 and 10554.

Reference: Welfare and Institutions Code Sections 10553, 10554, and 11265.1; 45 CFR Sections 233.20(a)(11), 233.36(a), and 233.37.

Amend MPP Section 40-181.32 to read:

40-181 CONTINUING ACTIVITIES AND DETERMINATION
OF ELIGIBILITY (Continued)

40-181

•3 Methods of Periodic Determination of Eligibility (Continued)

- 32 The recipient's statements or the statements of his/her guardian or any other person acting for him/her and completing the APSB 201 or the EA 2 appropriate Statement of Facts and CA 7(s), together with information obtained from all other sources, shall be assessed in the light of facts previously known and in relation to potentials for change in eligibility status or amount of grant.

Authority: Welfare and Institutions Code Sections 10553 and 10554.

Reference: Welfare and Institutions Code Section 10554.

Amend MPP Section 44-103.31 to read:

44-103 EXPLORATION OF INCOME POTENTIALS AND INCOME
VERIFICATION (Continued)

44-103

•3 Evidence Required (Continued)

- 31 Evidence is required to be submitted monthly with the CA 7
(See Sections 40-181.2451(f) and •32 below).

Authority: Welfare and Institutions Code Sections 10553 and
10554.

Reference: Welfare and Institutions Code Section 10554.

FOR FILING ADMINISTRATIVE REGULATIONS
WITH THE OFFICE OF ADMINISTRATIVE LAW

ORD# 383-28

8311174

FILED

In the office of the Secretary of State
of the State of California

DEC 19 1983

At 4:27 o'clock P.M.

MARCH FONG EU, Secretary of State

By Cathleen Patrick
Deputy Secretary of State

LEAVE BLANK

1. ATTACHED ARE REGULATIONS ADOPTED,
AMENDED OR REPEALED BY:

Department of Social Services

(AGENCY)

BY:

(AGENCY OFFICER AUTHORIZED TO SUBMIT REGULATIONS)

TELEPHONE

AGENCY CONTACT PERSON AND POSITION

Diane Moritz Glazer, Regs. Analyst 323-0885

2. Indicate California Administrative Code Title and specify sections to be amended, adopted, and/or repealed:

SECTIONS AMENDED

Title: MPP 22-022.2; 40-181.22' 40-181.23; 44-305.22; 44-327 Intro. Paragraph

SECTIONS ADOPTED

MPP 22-022.2(j); 44-327.25

SECTIONS REPEALED

3. TYPE OF ORDER (CHECK ONE)

☒ Regular ☐ Emergency (Attach Finding of Emergency) ☐ Certificate of Compliance

Other Regulatory Actions:

☐ Procedural and Organizational Change ☐ Editorial Correction ☐ Authority and Reference Citation Change

4. IS THIS ORDER A RESUBMITTAL OF A PREVIOUSLY DISAPPROVED OR WITHDRAWN REGULATION?

☐ No ☒ Yes, if yes give date of previous filing September 28, 1983

5. IS THIS FILING A RESULT OF THE AGENCY'S REVIEW OF EXISTING REGULATIONS?

☒ No ☐ Yes

6. IF THESE REGULATIONS REQUIRED PRIOR REVIEW AND APPROVAL BY ANY OF THE FOLLOWING AGENCIES, CHECK THE APPROPRIATE BOX OR BOXES.

☐ State Fire Marshal (Attach Approval) ☐ Building Standards Comm. (Attach Approval) ☐ Fair Political Practices Comm. (Include FPPC Approval Stamp) ☐ Department of Finance (Attach STD. Form 399)

7a. PUBLICATION DATE OF NOTICE IN CALIFORNIA
ADMINISTRATIVE NOTICE REGISTER

April 22, 1983

b. DATE OF ADOPTION OF REGULATION(S)

November 10, 1983

c. DATES OF AVAILABILITY OF MODIFIED
REGULATION(S) (GOV. CODE SEC. 11346.8(c))

Aug. 26 - Sept. 9, 1983

8. WAS THIS REGULATORY ACTION SCHEDULED ON YOUR AGENCY RULEMAKING CALENDAR?

☒ No ☐ Yes

9. EFFECTIVE DATE OF REGULATORY CHANGES: (SEE GOVERNMENT CODE SECTION 11346.2 AND INSTRUCTIONS ON REVERSE)

a. ☐ Effective 30th day after filing with the Secretary of State.

b. ☐ Effective on _____ as required by statutes: (list) _____

c. ☒ Effective on January 1, 1984 (Designate effective date earlier than 30 days after filing with the Secretary of State pursuant to Government Code Section 11346.2(d).)

☒ Request Attached

d. ☐ Effective on _____ (Designate effective date later than 30 days after filing with the Secretary of State.)

INSTRUCTIONS FOR STD 400
(OAL-4)

A completed Face Sheet for Filing Regulations With the Office of Administrative Law must be attached to the front of each of the seven copies of the regulations. Note that at least one Face Sheet must contain an original signature of the agency officer authorized to submit regulations.

Part 1. Provide agency name and signature of the agency officer. Also provide the name and telephone number of the person who can answer questions regarding this regulatory filing.

Part 2. Provide the Administrative Code Title in which the regulation will appear and list each section number to be amended, adopted, or repealed.
(Attach additional sheets if necessary.)

Part 3. Check appropriate box. If other than a regular or emergency filing or certificate of compliance, check the appropriate box under "Other Regulatory Action." Note: Procedural and organizational changes, editorial corrections and authority and reference citation changes are reviewed and are subject to OAL approval.

Part 4. Check appropriate box.

Part 5. Regulatory activity resulting from the agency's review of existing regulations should be submitted in a separate filing. If not submitted separately, regulations not resulting from the review and any material in the rulemaking file relating to them must be clearly identified.

Part 6. Certain regulatory activities must be reviewed and approved by other state agencies prior to submittal to OAL. Regulations subject to prior approval include:

- a. Fire and panic safety regulations (Gov. Code Sec. 11342.3).
- b. Building standards as defined in Section 18969 of the Health and Safety Code (Gov. Code Sec. 11343).
- c. Conflict of Interest regulations (Gov. Code Sec. 87300 et seq.).

Note: Regulations that have a fiscal impact on state, local or federal government or result in reimbursable costs to local government or school districts should be discussed with the Department of Finance. See Government Code Sections 11346.5(a) (6), 11349.1 and S.A.M. Sections 6050-6057.

Part 7. a. Provide the publication date of the Notice Register in which the initial notice regarding these regulations appeared.

b. Provide the date on which the regulatory agency adopted the regulation(s).

c. If the regulations were modified subsequent to the hearing or written comment period, provide the date the modified regulations were made available to the public. Note that this date must be at least 15 days prior to the date indicated in (b.) above.

Part 8. Check appropriate box. This information is for statistical purposes.

Part 9. Effective Dates—check one of the following:

- a. If regulations are to be effective 30 days after filing with the Secretary of State.
- b. If an effective date other than (a.) is required by statute, provide the date and the statutory citation(s).
- c. If a designated effective date is being requested, please include a letter specifying the date the regulation(s) should take effect and the reason for the earlier effective date. Requests are granted by OAL for good cause shown.
- d. If an effective date later than (a.) is requested, provide the date.

Filing Requirements

The following material must be submitted when filing regulations with OAL:

- Seven (7) copies of the regulations. Note: Use underline/strikeout to indicate changes in an existing section. Repeal of an entire section may be indicated by placing a diagonal slash through text. For adoption of new section, underscore is not required.
- A completed Face Sheet for Filing Regulations With the Office of Administrative Law, form STD 400 (OAL-4) attached to the front of each copy of the regulations, with at least one Face Sheet bearing an original signature.
- Complete rulemaking file, with index and sworn statement. (See Government Code Section 11347.3 for full list of rulemaking file contents and Appendix 13 of OAL Regulations Handbook for a rulemaking file checklist.)

Amend MPP Section 22-022.2 and renumber Subsections .21 through .29 to read:

22-022 TIMELY NOTICE - AID PENDING HEARING (Continued) 22-022

.2 Timely notice is not required in the following instances, although the county shall send adequate notice as soon as possible but no later than the effective date of the action:

*21(a) (Continued)

*22(b) (Continued)

*23(c) (Continued)

*24(d) (Continued)

*25(e) (Continued)

*26(f) (Continued)

*27(g) (Continued)

*28(h) (Continued)

*29(i) (Continued)

Authority: Welfare and Institutions Code Sections 10553 and 10554.

Reference: Welfare and Institutions Code Sections 10553 and 10554; and 45 CFR 205.10(a)(4)(ii)(H).

Adopt MPP Section 22-022.2(j) to read:

22-022 TIMELY NOTICE - AID PENDING (Continued)

22-022

•2 (Continued)

(j) The county receives a complete Monthly Eligibility Report (CA 7) after the eleventh calendar day of the report month and the county's action to discontinue or decrease aid is a result of the information on the CA 7 or the recipient's failure to submit a timely or complete report of earnings without good cause as specified in Section 40-181.23.

Authority: Welfare and Institutions Code Sections 10553 and 10554.

Reference: Welfare and Institutions Code Sections 10553; and 45 CFR 205.10 (a)(4)(ii)(H).

Amend MPP Section 40-181.22 to read:

40-181 CONTINUING ACTIVITIES AND DETERMINATION
OF ELIGIBILITY (Continued)

40-181

•2 Periodic Determination of Eligibility (Continued)

- 22 AFDC recipients other than AFDC-FC shall, in addition to the annual completion of the CA 2, complete and return the CA 7 to the County Welfare Department (CWD) by the 5th calendar day of each report month but not before the first calendar day of that month.

When the CWD has not received the completed CA 7 by the 11th calendar day of the report month (See Section 40-181.24 for Definition of a Complete CA 7) the CWD shall send or give the recipient the appropriate discontinuance notice to be mailed no later than 10 calendar days prior to the end of the report month. The notice shall specify the reporting deadline and the disallowance of the standard work-expense disregard, dependent care disregard and the \$30 and one-third disregard due to late reporting of earnings. See •221 below.

When a completed CA 7 has not been received, the CWD shall attempt to make a personal contact to or with the family no later than the sixth day prior to the end of the report month. The personal contact requirement may be satisfied by a telephone call or a reminder notice in the event the recipient is not reachable by telephone. The personal contact requirement is also satisfied by a home visit or a face-to-face meeting at the county welfare office. The personal contact must allow the recipient at least five days to respond prior to the effective date of the discontinuance. However, if on or before the first calendar day of the payment month the recipient provides the county CWD with the completed CA 7, the discontinuance action shall be rescinded, eligibility shall be determined, and the CWD shall process the resulting payment in accordance with Sections 44-305.221(a) or 44-305.222(a). Upon request by the recipient, as defined in •231 below, the CWD shall determine whether the recipient had good cause for failure to submit a timely report of earnings (see Section 40-181.23 regarding Good Cause). Also see Sections 40-105, 44-103.21 and 22-022•122-022.2(j).

Authority: Welfare and Institutions Code Sections 10553 and 10554.

Reference: Welfare and Institutions Code Sections 10553 and 10554.

Amend MPP Section 40-181.23 to read:

40-181 CONTINUING ACTIVITIES AND DETERMINATION
OF ELIGIBILITY (Continued)

40-181

•2 Periodic Determination of Eligibility (Continued)

•23 Good Cause Determination for Failure to Submit a Complete
CA 7 Timely

A recipient may have good cause for not meeting the monthly reporting requirements. Good cause exists only when the recipient cannot reasonably be expected to fulfill his/her reporting responsibilities due to factors outside of his/her control. The burden of proof rests with the recipient.

•231 A good cause exemption shall only be granted if the request is made by the parent, other caretaker relative, or an authorized representative.

(a) A request is defined as any clear expression to the CWD, whether verbal or written, that the recipient wants an opportunity to present his/her explanation for not meeting the monthly reporting requirements. A request for State Hearing also may be considered a request for good cause determination when the issue to be heard specifically relates to Section 40-181.22.

•232 Good cause shall only be granted if a request is made to the county on or before the 1st calendar day of the payment month or, in lieu of a request, as required by .231 above, a when the county has the discretion to independently determines that one of the situations specified in .233 below existed. during the report month.

•233 Good cause exists in only the following situations:

- (a) When the recipient is suffering from a mental or physical condition which prevents timely and complete reporting.
- (b) When the recipient's failure to submit a timely and complete report is directly attributable to county error.

21

(c) When the county finds other extenuating circumstances.

- 234 When the recipient has good cause for not reporting timely, the county shall (1) rescind the discontinuance; and/or (2) if appropriate, allow all earned income disregards.

Authority: Welfare and Institutions Code Sections 10553 and 10554.

Reference: Welfare and Institutions Code Sections 10553, 10554 and 11265.1.

Amend MPP Section 44-305.22 to read:

44-305 AID PAYMENTS -- PAYEE AND DELIVERY (Continued)

44-305

•2 Time of Delivery (Continued)

•22 Aid Payments to AFDC Recipients

•221 Except for counties with approved alternate payment systems, families on money management and children in foster care, regular aid payments to AFDC families shall be delivered semimonthly in advance as follows:

- a. The first warrant shall be placed in the mail in time to be received by the first day of the calendar month, unless the county received the complete Monthly Eligibility Report (CA 7) (see Section 40-181.241) after the 10th day prior to the end of the report month. In this case, the first warrant shall be mailed as soon as administratively feasible, but no later than in time to be received by the 10th calendar day of the payment month.
- b. The second warrant shall be placed in the mail in time to be received by the fifteenth of the month.

•222 Aid payments to AFDC families residing in counties with approved alternate payment systems shall be made in two installments during the payment period as follows:

- a. The first warrant shall be placed in the mail in time to be received by the first day of the AFDC family's assigned payment period, unless the county received the complete Monthly Eligibility Report (CA 7) (see Section 40-181.241) after the 10th day prior to the end of the report period. In this case, the first warrant shall be mailed as soon as administratively feasible, but no later than in time to be received by the 10th calendar day of the AFDC family's assigned payment period.

- b. The second warrant shall be placed in the mail in time to be received by the fifteenth day of the assigned payment period.

Authority: Welfare and Institutions Code Sections 10553 and 10554.

Reference: Welfare and Institutions Code Section 11006.2 and 11265.1.

Amend MPP Section 44-327 Introductory Paragraph to read:

44-327 DELAYED PAYMENT (Continued)

44-327

When payment of a warrant is delayed because of changes in circumstances not related to continuing eligibility or to the correctness of grant, the county shall immediately take whatever action is necessary to determine the changed circumstances and then release issue the payment at the earliest possible date.

Authority: Welfare and Institutions Code Sections 10553 and 10554.

Reference: Welfare and Institutions Code Section 10554 and 11006.2.

Adopt MPP Section 44-327.25 to read:

44-327 DELAYED PAYMENT (Continued)

44-327

•2 Factors Causing Delay in Payment (Continued)

•25 The complete CA 7 (see Section 40-181.241) is received after the 10th day prior to the end of the report month regardless of good cause - the first warrant shall be mailed in accordance with Section 44-305.221a or 44-305.222a.

Authority: Welfare and Institutions Code Sections 10553 and 10554.

Reference: Welfare and Institutions Code Sections 11006.2 and 11265.1.

ORD #1282-68

FOR FILING ADMINISTRATIVE REGULATIONS
WITH THE OFFICE OF ADMINISTRATIVE LAW

8311181

FILED

In the office of the Secretary of State
of the State of California

DEC 20 1983

At 4:17 o'clock P.M.

MARCH FONG EU, Secretary of State

By Marjorie Newsham
Deputy Secretary of State

Office of Administrative Law
ENDORSED
APPROVED FOR FILING

DEC 20 1983

Office of Administrative Law

LEAVE BLANK

1. ATTACHED ARE REGULATIONS ADOPTED,
AMENDED OR REPEALED BY:

Department of Social Services

(AGENCY)

BY: Janet Lombard
(AGENCY OFFICER AUTHORIZED TO SUBMIT REGULATIONS)

LEAVE BLANK

AGENCY CONTACT PERSON AND POSITION

Janet Lombard, Regulations Analyst

TELEPHONE

323-1899

2. Indicate California Administrative Code Title and specify sections to be amended, adopted, and/or repealed:

SECTIONS AMENDED

Title: MPP 40-103; 44-111.233; 44-113.217; 44-207.221, .431; 44-315.412, .415 and .6

SECTIONS ADOPTED

MPP 40-125.9; 44-313

SECTIONS REPEALED

MPP 44-315.15; 44-315.61, .611, .612, .613, .62, and .64

3. TYPE OF ORDER (CHECK ONE)

☒ Regular

☐ Emergency
(Attach Finding of Emergency)

☐ Certificate of Compliance

Other Regulatory Actions:

☐ Procedural and Organizational
Change

☐ Editorial Correction

☐ Authority and Reference
Citation Change

4. IS THIS ORDER A RESUBMITTAL OF A PREVIOUSLY DISAPPROVED OR WITHDRAWN REGULATION?

☐ No

☒ Yes, if yes give date of previous filing September 19, 1983

5. IS THIS FILING A RESULT OF THE AGENCY'S REVIEW OF EXISTING REGULATIONS?

☒ No

☐ Yes

6. IF THESE REGULATIONS REQUIRED PRIOR REVIEW AND APPROVAL BY ANY OF THE FOLLOWING AGENCIES,
CHECK THE APPROPRIATE BOX OR BOXES.

☐ State Fire Marshal
(Attach Approval)

☐ Building Standards Comm.
(Attach Approval)

☐ Fair Political Practices Comm.
(Include FPPC Approval Stamp)

☐ Department of Finance
(Attach STD. Form 399)

7a. PUBLICATION DATE OF NOTICE IN CALIFORNIA
ADMINISTRATIVE NOTICE REGISTER

April 22, 1983

b. DATE OF ADOPTION OF REGULATION(S)

November 17, 1983

c. DATES OF AVAILABILITY OF MODIFIED
REGULATION(S) (GOV. CODE SEC. 11346.8(c))

October 28-- November 11, 1983

8. WAS THIS REGULATORY ACTION SCHEDULED ON YOUR AGENCY RULEMAKING CALENDAR?

☒ No

☐ Yes

9. EFFECTIVE DATE OF REGULATORY CHANGES: (SEE GOVERNMENT CODE SECTION 11346.2 AND INSTRUCTIONS
ON REVERSE)

a. ☐ Effective 30th day after filing with the Secretary of State.

b. ☐ Effective on _____ as required by statutes: (list) _____

c. ☒ Effective on January 1, 1984 (Designate effective date *earlier than* 30 days after filing with the Secretary
of State pursuant to Government Code Section 11346.2(d).)

☒ Request Attached

d. ☐ Effective on _____ (Designate effective date *later than* 30 days after filing with the Secretary of
State.)

INSTRUCTIONS FOR STD 400
(OAL-4)

A completed Face Sheet for Filing Regulations With the Office of Administrative Law must be attached to the front of each of the seven copies of the regulations. Note that at least one Face Sheet must contain an original signature of the agency officer authorized to submit regulations.

Part 1. Provide agency name and signature of the agency officer. Also provide the name and telephone number of the person who can answer questions regarding this regulatory filing.

Part 2. Provide the Administrative Code Title in which the regulation will appear and list each section number to be amended, adopted, or repealed.
(Attach additional sheets if necessary.)

Part 3. Check appropriate box. If other than a regular or emergency filing or certificate of compliance, check the appropriate box under "Other Regulatory Action." Note: Procedural and organizational changes, editorial corrections and authority and reference citation changes are reviewed and are subject to OAL approval.

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- b. Building standards as defined in Section 18969 of the Health and Safety Code (Gov. Code Sec. 11343).
- c. Conflict of Interest regulations (Gov. Code Sec. 87300 et seq.).

Note: Regulations that have a fiscal impact on state, local or federal government or result in reimbursable costs to local government or school districts should be discussed with the Department of Finance. See Government Code Sections 11346.5(a) (6), 11349.1 and S.A.M. Sections 6050-6057.

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Part 8. Check appropriate box. This information is for statistical purposes.

Part 9. Effective Dates—check one of the following:

- a. If regulations are to be effective 30 days after filing with the Secretary of State.
- b. If an effective date other than (a.) is required by statute, provide the date and the statutory citation(s).
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- A completed Face Sheet for Filing Regulations With the Office of Administrative Law, form STD 400 (OAL-4) attached to the front of each copy of the regulations, with at least one Face Sheet bearing an original signature.
- Complete rulemaking file, with index and sworn statement (See Government Code Section 11347.3 for full list of rulemaking file contents and Appendix 13 of OAL Regulations Handbook for a rulemaking file checklist.)

Amend MPP Section 40-103.42 to read:

40-103 DEFINITIONS AND DESIGNATIONS -- GENERAL (Continued) 40-103

.4 Applications for Aid (Continued)

- .42 Restoration -- The applicant was a recipient of the same category of aid in the same county and his or her grant has been discontinued for 12 months or less at the time of the current application. See Section 40-125.9 Request for Restoration of Aid.

Authority: Welfare and Institutions Code Sections 10553 and 10554.

Reference: Welfare and Institutions Code Sections 11051 and 11054.

Adopt MPP Section 40-125.9 to read:

40-125 PROCESSING APPLICATIONS, REAPPLICATIONS,

40-125

AND RESTORATIONS (Continued)

.9 Request for Restoration of Aid

When a county receives a request for restoration of aid, all provisions of Chapter 40-100 shall apply except those modified by .91 and .92 below.

.91 The county may require that the applicant complete a new Statement of Facts (CA 2) as specified in Sections 40-115.22 and 40-128.1.

.911 The county shall determine on a case-by-case basis the need for completion of a new CA 2. Reasons for requesting a new CA 2 may include, but are not limited to, the following:

(a) Circumstances of the applicant have changed in such a way that it is necessary to redetermine eligibility.

(b) A periodic redetermination of eligibility is overdue or it would have been due in the month of the request for restoration or in the month immediately following the month of the request for restoration.

.912 When the county determines that a new CA 2 is required, failure by the applicant to complete the CA 2 shall result in denial of the request for restoration (See Section 40-171.221(d)).

.92 If the applicant is determined to be eligible within the month following discontinuance, the applicant must provide the Monthly Eligibility Reports (CA 7), to the extent needed for purposes of retrospective grant computation, for the month prior to the last month of aid and for the last month in which the applicant was aided, unless complete CA 7s for these months are in the county's possession. (See Sections 44-313.2 and 44-317.)

.921 The CA 7(s) are not required when aid is to be computed prospectively. (See Section 44-313.1.)

29

.922 When retrospective grant computation is appropriate for purposes of determining the aid payment for the month aid is restored, the penalties for late reporting of earnings (see Section 44-113.217) shall be imposed when the former recipient did not submit a complete CA 7 timely (as specified in Section 40-181.22) in the last month in which the applicant was aided. No penalties shall be applied in determining the aid payment for the month following the month in which aid is restored provided that the applicant completes the CA 7 for the last month of aid prior to the date on which aid is authorized.

Authority: Welfare and Institutions Code Sections 10553 and 10554.

Reference: Welfare and Institutions Code Sections 11051, 11054, 11265, and 11265.1; and 45 CFR 233.34, 233.35 and 233.37(c).

Amend Section 44-111.233 to read:

44-111 PAYMENTS EXCLUDED OR EXEMPT FROM CONSIDERATION 44-111
AS INCOME (Continued)

.2 Exemption of Earned Income -- AFDC (Continued)

.23 30 and 1/3 (Continued)

- .233 If aid is suspended (see Section 44-315.65) or discontinued because of a periodic extra paycheck from a recurring income source, the month of suspension or discontinuance shall not count as one of the four consecutive months but shall not interrupt the accumulation of the four consecutive months for purposes of Section .232(b) above.

Authority: Welfare and Institutions Code Sections 10553 and 10554.

Reference: Welfare and Institutions Code Section 10554.

Amend Section 44-113.217 to read:

44-113 NET INCOME (Continued)

44-113

•2 Earnings (Continued)

•21 (Continued)

•217 The deductions in .214, .215 and .216 shall not be allowed if the recipient: (1) failed, to make a timely report of earned income that month as required by Sections 40-125.922 and 40-181.22; or (2) terminated employment, reduced earnings or refused employment without good cause within the budget period or the 30 days immediately prior to the budget period. (Good cause shall be evaluated using the standards defined in Section 41-442.113); or (3) voluntarily requests a discontinuance for the primary purpose of avoiding the 4 consecutive month limitation on receipt of the \$30 and 1/3 disregard.

Authority: Welfare and Institutions Code Sections 10553 and 10554.

Reference: Welfare and Institutions Code Sections 11008, 11265.1 and 45 CFR 233.20(a)(11)(iii)(C).

Amend Section 44-207.221(c) and (d) to read:

44-207 INCOME ELIGIBILITY (Continued)

44-207

•2 150 Percent Income Limit for Eligibility (Continued)

•22 Applying the 150 Percent Income Limit (Continued)

•221 Reported Income (Continued)

- (c) When the income results in ineligibility for the FBU and it appears this level of income will not continue, the FBU's aid payment shall be suspended for the payment month. (See Section 44-315.65)
- (d) When the income received in the first or second month of aid exceeds the 150 percent income limit and it appears this level of income will not continue, any aid payment received by the FBU in the month the excess income was received is an overpayment. See Section 44-315.6313.1.

Authority: Welfare and Institutions Code Sections 10553 and 10554.

Reference: Welfare and Institutions Code Section 10554.

Amend Section 44-207.431(a) to read:

44-207 INCOME ELIGIBILITY (Continued)

44-207

•4 Treatment of Lump Sum Income (Continued)

•43 Applying the Lump Sum Income Period of Ineligibility
(Continued)

•431 Lump Sum Income Received (Continued)

- (a) When the period of ineligibility is less than two months, the period of ineligibility shall begin in the payment month and aid shall be suspended. (See Section 44-315.65.)

Authority: Welfare and Institutions Code Sections 10553 and 10554.

Reference: Welfare and Institutions Code Section 10554.

Adopt MPP Section 44-313 to read:

44-313 BUDGETING METHODS FOR AFDC-FG/U

44-313

Budgeting is the activity used to compute the aid payment for a month for which eligibility exists (known as the payment month) using net nonexempt income, see Chapter 44-100, received in a corresponding month (known as the budget month). The two types of budgeting methods are prospective and retrospective. Under prospective budgeting, the budget month and the payment month are the same month. Under retrospective budgeting, the budget month is the second month prior to the payment month.

Budgeting is an activity separate from the determination of eligibility. All eligibility factors, including income eligibility, see Section 44-207, are considered on a prospective basis.

This section defines prospective and retrospective budgeting and specifies the appropriate method for various situations.

For the appropriate budgeting method to be used when an individual is added to or deleted from an existing assistance unit, see Section 44-313.4.

.1 Prospective Budgeting

.11 Prospective budgeting is the method of computing an aid payment for a month using an estimate of the income reasonably expected to be received in that month. The estimate shall be based on the county's knowledge of past and current income and reasonable expectation of future income.

.12 Prospective budgeting shall be used to compute:

.121 The grant for the first and second months that AFDC is granted following a new application or reapplication, see Sections 40-103.41 and .43.

Example:

If the first month of aid is October, the aid payments for October and November are computed using estimates of income reasonably expected to be received in October and November.

.122 The grant for the first and second payment months of AFDC when aid is restored (see Section 40-103.42) following a break in aid of one calendar month or more.

.123 When aid is restored following a suspension, see Section 44-315.6.

Example:

If aid is discontinued March 31, and aid is restored to be effective anytime in May, the aid payments for May and June are computed using estimates of income reasonably expected in May and June.

.2 Retrospective Budgeting

.21 Retrospective budgeting is the method used to compute the AFDC grant for a month using income received in the second month prior to the payment month. Income information shall be obtained from the Monthly Eligibility Report (CA 7).

.22 Retrospective budgeting shall be used to compute:

.221 The AFDC grant for the third and subsequent payment months, except that income from the budget month which was considered prospectively for any payment month and is not of a continuous nature shall not be counted, see Section 44-313.3.

.222 The AFDC grant for the month following a suspension as required by Section 44-315.6.

.223 The AFDC grant for the month in which aid is restored following a break in aid of less than a calendar month provided:

(a) The assistance unit received an aid payment, received a zero grant, or would have received an aid payment except for the restriction on grants of less than \$10, for the immediately preceding two payment months; or

(b) The assistance unit was suspended in either of the two payment months immediately preceding discontinuance and retrospective budgeting was or is required by Section 44-315.6 where aid was or is restored following the suspension.

Example:

If aid is discontinued effective March 31, and aid is restored to be effective anytime in April, the grant for April is computed using income received in February, the grant for May is computed using income received in March, etc.

.3 Income of a Continuous Nature

- *614 .31 For the third and fourth payment periods, the income already used to compute the grant for the first and second payment periods which is not of a continuous nature shall not be counted.

.4 Budgeting the Income of Individuals Added to or Deleted from an Existing Assistance Unit

- .41 The income of an eligible individual added to an existing assistance unit shall be budgeted prospectively for the first two payment months, provided the individual has not been previously aided in that assistance unit or has had a break in aid of at least one calendar month.

- .411 If the individual is requesting a restoration following a break in aid of less than one calendar month, his/her income is budgeted retrospectively.

- .42 The income received by an individual during the budget month shall not be considered if the individual's need or income is not also used to determine eligibility for the payment month.

Example:

A child with income moves from the home in July. The child's needs are not considered for eligibility in August. Therefore, his/her June income is not considered when computing the grant paid in August.

.5 Budgeting in Approved Alternate Payment Systems

- .51 Apply the requirements of 44-313 to approved alternate payment systems (see Section 44-305.3). Substitute references to "month" with phrase "28- to 31-day period not limited to a calendar month."

.6 Budgeting for Refugee or Cuban/Haitian Entrant Cases Transferred from Refugee or Cuban/Haitian Entrant Cash Assistance to AFDC-FG and AFDC-U.

- 24
- .61 The budget period for the month of transfer from the Refugee Resettlement or Cuban/Haitian Entrant Programs to AFDC-FG or AFDC-U shall be the second prior calendar month (retrospective budgeting) unless the family did not receive refugee or Cuban/Haitian entrant cash assistance in the second prior calendar month.
 - .62 If the family did not receive cash assistance in the second prior calendar month, but did in the prior calendar month, the budget period for the month of transfer shall be the concurrent month. The budget period for the following month shall be the corresponding second prior calendar month.

Authority: Welfare and Institutions Code Sections 10553 and 10554.

Reference: Welfare and Institutions Code Sections 10554, 11265.1, and 45 CFR 233.31 - 233.35.

Repeal MPP Section 44-315.15 to read:

44-315 AMOUNT OF AID (Continued)

44-315

.1 County Responsibility (Continued)

*15 When verification of pregnancy is received†

Authority: Welfare and Institutions Code Sections 10553 and 10554.

Reference: Welfare and Institutions Code Section 10554.

Amend MPP Section 44-315.412 to read:

44-315 AMOUNT OF AID (Continued)

44-315

.4 Determining Amount of Grant -- AFDC-FG/U (Continued)

.41 Basic Grant (Continued)

.412 Round to the nearer dollar the net nonexempt income from the budget month (Section 44-100), including in-kind income, with amounts of 50 cents or more rounded to the next higher dollar figure.

Authority: Welfare and Institutions Code Sections 10553 and 10554.

Reference: Welfare and Institutions Code Sections 10554 and 11265.1.

Amend MPP Section 44-315.415 to read:

44-315 AMOUNT OF AID (Continued)

44-315

•4 Determining Amount of Grant -- AFDC-FG/U (Continued)

•41 Basic Grant (Continued)

•415 If the net nonexempt income from the budget month is greater than the MAP for the payment month, then no payment shall be made and the case is a zero basic grant. Such eligible cases may be entitled to benefits other than the basic grant including payment of special needs.

Authority: Welfare and Institutions Code Sections 10553 and 10554.

Reference: Welfare and Institutions Code Section 11265.1 and 45 CFR 233.31(b).

44-315 AMOUNT OF AID (Continued)

44-315

.6 Budget Period for AFDC FG-U Cases

.61 The budget period in counties without an approved alternate payment system:

.611 The budget period shall be the second prior calendar month before the first installment of the corresponding payment period. (See Section 44-305.221.)

.612 The grant for the initial and second payment period (calendar months) shall be computed on the basis of known or estimated income in each of those two months (concurrent budgeting).

.613 The grant for the third and subsequent payment periods shall be based on actual income received in the budget period as defined in Section 44-315.611 (prior month budgeting) except as outlined in Section 44-315.614 below.

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44-315 AMOUNT OF AID (Continued)

44-315

.6 Budget Period for AFDC FG-U Cases (Continued)

.62 The budget period in counties with approved alternate payment systems: (See Section 44-305.3.)

.621 The budget period shall be a 28 to 31-day period ending not more than 31 days nor less than 28 days before the first installment of the corresponding payment period. The budget period is not limited to a calendar month.

.622 The grant for the initial and second payment period shall be computed on the basis of known or estimated income in each of these payment periods (concurrent budgeting).

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- .623 The grant for the third and subsequent payment periods shall be based on actual income received in the budget period as defined in Section 44-315.621 (prior month budgeting).

For example: If a recipient's payment period is from January 10 through February 9th (31 days). For a payment period of April 10 through May 9th, the budget period is February 10 through March 9th (28- or 29-day period) (44-315.621).

If this recipient is eligible for aid granted effective January 10th the grant for the first payment period (January 10 through February 9) is based on his known estimated income for this payment period (January 10 through February 9). Beginning with the third payment period, (March 10 through April 9) prior month budgeting begins and the grant is based on actual income received in the corresponding budget period (January 10 through February 9).

- .624 For the third and fourth payment periods, the income already used to compute the grant for the first and second payment periods which is not of a continuous nature shall not be counted.

.64 Budget Period for Indochinese or Cuban Refugee Cases Transferred from Refugee Aid to AFDC-FG and AFDC-U

The budget period for the month of conversion from the Indochinese or Cuban Refugee Assistance Program to AFDC-FG or AFDC-U shall be the second prior calendar month (prior month budgeting) unless the family did not receive a refugee cash assistance in the second prior calendar month.

If the family did not receive cash assistance in the second prior calendar month, but did in the prior calendar month, the budget period for the month of conversion will be the concurrent month. The budget period for the following month will be the corresponding second prior calendar month.

Authority: Welfare and Institutions Code Sections 10553 and 10554.

Reference: Welfare and Institutions Code Section 10554.

Amend and Renumber MPP Section 44-315.6 to read:

44-315 AMOUNT OF AID (Continued)

44-315

•6 Budget Period for AFBE-FG-U Cases

•65 Suspension

- 651 The county shall suspend, not discontinue, aid in the payment month when income or other circumstances in the corresponding budget month appear to result in ineligibility for only one payment month. The recipient need not reapply for aid for the month following the suspension, however, the recipient is required to complete a monthly report for the month of suspension. If it appears that the income or other circumstances from the budget month will result in ineligibility for more than one payment month, aid is discontinued.
- 652 Aid payment for the month following a suspension shall be computed using prior month budgeting if the family's circumstances have not changed significantly from the corresponding budget period.
- 653 Aid payments for the two months following a suspension shall be computed using prospective budgeting if the family's circumstances have changed significantly from the corresponding budget period, e.g., loss of a job (see Section 44-313.123).

Authority: Welfare and Institutions Code Sections 10553 and 10554.

Reference: Welfare and Institutions Code Section 10554.

FOR FILING ADMINISTRATIVE REGULATIONS
WITH THE OFFICE OF ADMINISTRATIVE LAW

83112311

RECEIVED FOR FILING
Nov 23 12 03 PM '83

ADMINISTRATIVE LAW
ENDORSED
APPROVED FOR FILING

DEC 20 1983

Office of Administrative Law
LEAVE BLANK

1. ATTACHED ARE REGULATIONS ADOPTED,
AMENDED OR REPEALED BY:

State Department of Social Services
(AGENCY)

BY:

Rosalie Chul

(AGENCY OFFICER AUTHORIZED TO SUBMIT REGULATIONS)

FILED
In the office of the Secretary of State
of the State of California

DEC 20 1983
At 4:17 o'clock P.M.
MARCH FONG EU, Secretary of State
By *Marjorie Hershberger*
Deputy Secretary of State

LEAVE BLANK

AGENCY CONTACT PERSON AND POSITION

Rick Torres, Regulations Analyst

TELEPHONE

3-0883/5-0313

2. Indicate California Administrative Code Title and specify sections to be amended, adopted, and/or repealed:

SECTIONS AMENDED

Title: 63-503.473(d), 63-503.477(b), 63-503.478 and 63-503.479

SECTIONS ADOPTED

SECTIONS REPEALED

63-503.478

3. TYPE OF ORDER (CHECK ONE)

☐ Regular

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(Attach Finding of Emergency)

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September 30, 1983

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July 15, 1983

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☒ No

☐ Yes

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Editorially correct and renumber Section 63-503.473(d) as indicated. Editorially correct and renumber Sections 63-503.477(b) and Section 63-503.479. Editorially remove Section 63-503.478. Editorially correct and renumber Section 63-503.479 to .478.

63-503 DETERMINING HOUSEHOLD ELIGIBILITY AND
BENEFIT LEVELS (Continued)

63-503

.5 4 Households with Special Circumstances (Continued)

.56 47 Residents of Drug/Alcoholic Treatment and
Rehabilitation Programs (Continued)

.56 473 The following provisions apply to residents of
treatment centers: (Continued)

- d. Resident households shall be afforded the same rights to notices of adverse action, to state hearings, and to entitlement to lost benefits as are all other food stamp households, except as specified in Section 63-503.568 478.

63-503 DETERMINING HOUSEHOLD ELIGIBILITY AND
BENEFIT LEVELS (Continued)

63-503

.5 4 Households with Special Circumstances (Continued)

.56 47 Residents of Drug/Alcoholic Treatment and
Rehabilitation Programs (Continued)

.567 477 The institution may be penalized or disqualified if it is determined administratively or judicially that coupons were misappropriated or used for purchases that did not contribute to a certified household's meals. Procedures for taking action shall be as follows:

- a. For FNS authorized institutions, the CWD shall promptly notify FNS when it has reason to believe that an institution is misusing coupons in its possession. However, the CWD shall take

no action prior to FNS action against the institution.

- b. For institutions not FNS authorized, but certified by the State Department of Alcohol and Drug Programs, the CWD shall take appropriate action, as specified in Sections 63-801, 63-803, 63-804, and 63-805. Those provisions of Sections 63-801, 63-803, 63-804, and 63-805 that apply to other food stamp households shall also apply to treatment centers being treated as the household.

.568 If any overissuances are discovered during an investigation or hearing procedure for redemption violations, the CWD shall establish a claim against the institution on behalf of resident clients as described in Section 63-503.566.

- .568 478 If FNS disqualifies an institution as an authorized retail food store, the CWD shall suspend its authorized representative status for the same time period. If the institution loses its authorization from FNS to accept and redeem coupons, or is no longer certified by the State Department of Alcohol and Drug Programs, its residents are no longer eligible to participate. The residents are not entitled to a timely notice of adverse action but shall receive a written notice explaining the termination and when it will become effective, as provided in Section 63-504.242(f) 267(c).

Authority: Welfare and Institutions Code Sections 18904 and 10553.

Reference: Welfare and Institutions Code Section 18904, Government Code Section 11349(a), and 7 CFR 273.11(e)(3)(iii), October 17, 1978.

FOR FILING ADMINISTRATIVE REGULATIONS
WITH THE OFFICE OF ADMINISTRATIVE LAW

RECEIVED FOR FILING

DEC 15 4 27 PM '83

ADMINISTRATIVE LAW
ENDORSED
APPROVED FOR FILING

DEC 22 1983

Office of Administrative Law
LEAVE BLANK1. ATTACHED ARE REGULATIONS ADOPTED,
AMENDED OR REPEALED BY:

Department of Social Services

(AGENCY)

BY:

(AGENCY OFFICER AUTHORIZED TO SUBMIT REGULATIONS)

8310152
FILEDIn the office of the Secretary of State
of the State of California

DEC 22 1983

At 4:01 o'clock P.M.

MARCH FONG EU, Secretary of State

By: Marjorie Herzhagen
Deputy Secretary of State

LEAVE BLANK

AGENCY CONTACT PERSON AND POSITION

Diane Moritz Glazer, Regulations Analyst

TELEPHONE 323-0885

2. Indicate California Administrative Code Title and specify sections to be amended, adopted, and/or repealed:

SECTIONS AMENDED

Title: MPP 45-201.42; 45-203.632

SECTIONS ADOPTED

SECTIONS REPEALED

MPP 45-101.1(gg); 45-101.1(kk); 45-201.45; 45-203.64

3. TYPE OF ORDER (CHECK ONE)

☐

Regular

☒Emergency
(Attach Finding of Emergency)☐

Certificate of Compliance

Other Regulatory Actions:

☐Procedural and Organizational
Change☐

Editorial Correction

☐Authority and Reference
Citation Change

4. IS THIS ORDER A RESUBMITTAL OF A PREVIOUSLY DISAPPROVED OR WITHDRAWN REGULATION?

☒

No

☐

Yes, if yes give date of previous filing

5. IS THIS FILING A RESULT OF THE AGENCY'S REVIEW OF EXISTING REGULATIONS?

☒

No

☐

Yes

6. IF THESE REGULATIONS REQUIRED PRIOR REVIEW AND APPROVAL BY ANY OF THE FOLLOWING AGENCIES,
CHECK THE APPROPRIATE BOX OR BOXES.☐State Fire Marshal
(Attach Approval)☐Building Standards Comm.
(Attach Approval)☐Fair Political Practices Comm.
(Include FPPC Approval Stamp)☐Department of Finance
(Attach STD. Form 399)7a. PUBLICATION DATE OF NOTICE IN CALIFORNIA
ADMINISTRATIVE NOTICE REGISTER
N/A

b. DATE OF ADOPTION OF REGULATION(S)

c. DATES OF AVAILABILITY OF MODIFIED
REGULATION(S) (GOV. CODE SEC. 11346.8(c))
N/A

8. WAS THIS REGULATORY ACTION SCHEDULED ON YOUR AGENCY RULEMAKING CALENDAR?

☐

No

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Yes

9. EFFECTIVE DATE OF REGULATORY CHANGES: (SEE GOVERNMENT CODE SECTION 11346.2 AND INSTRUCTIONS
ON REVERSE)a. ☐ Effective 30th day after filing with the Secretary of State.b. ☒ Effective on January 1, 1984 as required by statutes: (list) AB 2315, Chap. 325, Stats 1982c. ☐ Effective on _____ (Designate effective date *earlier than* 30 days after filing with the Secretary
of State pursuant to Government Code Section 11346.2(d).)☐ Request Attachedd. ☐ Effective on _____ (Designate effective date *later than* 30 days after filing with the Secretary of
State.)

Repeal MPP Section 45-101.1(gg) to read:

45-101 DEFINITIONS (Continued)

45-101

1 (Continued)

(gg) Qualified Mental Health Professional means a person who has had training and/or supervised professional experience in working with children or adolescents in a mental health setting, is not currently employed by a county welfare department and is also one of the following: psychiatrist; psychologist; marriage, family and child counselor; clinical social worker; social worker with a master's degree; or a psychiatric public health nurse.

Authority: Welfare and Institutions Code Sections 10553, 10554, and 11209.

Reference: Welfare and Institutions Code Sections 10554 and 11404.2.

Repeal MPP Section 45-101.1(kk) to read:

45-101 DEFINITIONS (Continued)

45-101

1 (Continued)

{kk} Severely Emotionally Disturbed Child means a child with serious impairment in the development of his or her personality as the result of a mental disorder which prevents the child from functioning in his or her own home environment at least temporarily.

Authority: Welfare and Institutions Code Sections 10553, 10554, and 11209.

Reference: Welfare and Institutions Code Sections 11404.2 and 10554.

Amend Section 45-201.42 to read:

45-201 GENERAL AFDC-FC REQUIREMENTS (Continued)

45-201

•4 (Continued)

- 42 Except for a child living with his or her nonrelated legal guardian, periodic reviews shall be conducted on behalf of the child no less frequently than once every six months from the date of placement into foster care. For severely emotionally disturbed children placed voluntarily pursuant to Welfare and Institutions Code Section 11401.1(f), see Section 45-203.643.

Authority: Welfare and Institutions Code Sections 10553, 10554, and 11209.

Reference: Welfare and Institutions Code Sections 11401.1 and 10554.

Repeal Section 45-201.45 to read:

45-201 GENERAL AFDC-FC REQUIREMENTS (Continued)

45-201

•4 (Continued)

*45 In the case of a severely emotionally disturbed child placed voluntarily in accordance with EAS 45-203*64, the county welfare department shall also provide the services specified in EAS 45-203*643 and *644*

Authority: Welfare and Institutions Code Sections 10553, 10554, and 11209.

Reference: Welfare and Institutions Code Sections 10554 and 11401.1.

Amend Section 45-203.632 to read:

45-203 STATE AFDC-FC PROGRAM (Continued)

45-203

.6 Special Provisions (Continued)

.63 Children in Voluntary Placement (Continued)

.632 Time Limitations

Except as provided in (a), (b), and (c) and (d) below, AFDC-FC funding for voluntarily placed children shall be available for a maximum of six months for each child provided all other eligibility requirements continue to be met. The six months need not be one continuous voluntary placement. If more than one placement occurs, the aggregate AFDC-FC payments for all the voluntary placements of the same child shall not exceed a total of six months.

(a) If placed voluntarily prior to January 1, 1981, the child shall be eligible for AFDC-FC payments provided all other eligibility requirements continue to be met.

(b) If placed voluntarily on or after January 1, 1981 and before January 1, 1982, the child may continue to receive AFDC-FC payments until January 1, 1982, provided all other eligibility requirements continue to be met. After January 1, 1982, the provisions of .632 above shall apply.

(c) Beginning on January 1, 1982 the six-month limit shall not apply to a severely emotionally disturbed child who meets the requirements of .64.

(d)(c) If the authority for placement changes from a voluntary placement to another authority for placement specified in Sections 45-202.4 or 45-203.31, the six-month time limitation no longer applies.

Authority: Welfare and Institutions Code Sections 10553, 10554, and 11209.

Reference: Welfare and Institutions Code Sections 11401.1 and 10554.

Repeal Section 45-203.64.

45-203 STATE AFDC--FC PROGRAM (Continued)

45-203

.6 Special Provisions (Continued)

.64 Special Requirements for Severely Emotionally Disturbed Children in Voluntary Placement

.641 The six-month limit shall not apply to payments for a child when all of the criteria of Welfare and Institutions Code Section 11401.1(c) are met.

Welfare and Institutions Code Section 11401.1(c) states:

- (1) The county welfare department has received a mental health assessment by a qualified mental health professional which:
 - (A) Documents that all appropriate efforts were made to treat the child while living in his or her home in an attempt to keep the family together prior to the child being voluntarily placed.
 - (B) Indicates the need for placement in a 24-hour setting.
 - (2) The child requires placement due to severe emotional disturbance and who receives appropriate treatment for the emotional disturbance while in placement.
 - (3) The child is not determined to be abused, neglected, or exploited pursuant to Welfare and Institutions Code Section 300.
 - (4) The child's parent or guardian cooperates with:
 - (A) The county welfare department in the provision of services specified in Welfare and Institutions Code Section 11404.2.
- (For services requirements of Welfare and Institutions Code Section 11404.2, see EAS 45-201.4 and 45-203.644.)

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(B) The county mental health department or a qualified mental health professional in arranging for the child's treatment.

(C) The treatment program of the facility in which the child is placed.

.642 The mental health assessment required by Welfare and Institutions Code Section 11401.1(c) shall be written and retained in the service case record.

.643 A severely emotionally disturbed child placed voluntarily in accordance with FAS 45-203.64 shall receive an administrative review in accordance with Welfare and Institutions Code Section 11401.3(a). This review shall be accomplished in accordance with MPP 30-500.

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Welfare and Institutions Code Section 11401.3(a) states in part:

Beginning July 1, 1982, every child in voluntary placement pursuant to subdivision (c) of Section 11401.1, shall receive a periodic administrative review no less frequently than once every six months in order to determine the continuing necessity for and appropriateness of the child's placement, the extent of compliance with the case plan, and the adequacy of the services provided to the child.

1. If the administrative review panel recommends termination of the child's voluntary placement, the child shall not continue to be eligible for AFDC-FC payments unless another authority for placement is established and the child is otherwise eligible.

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.644 The county welfare department shall be responsible for performing the duties required by Welfare and Institutions Code Section 11404.2.

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Welfare and Institutions Code Section 11404.2 states in part:

In the case of a child who has been found by a qualified mental health professional to be severely emotionally disturbed and is in placement pursuant to subdivision (c) of Section 11401.1, the county welfare department shall be responsible for developing and shall encourage the county mental

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health department or a qualified mental health professional to assist in developing the written assessment and the service plan, as well as all updates to the written assessment or the service plan, which are required pursuant to subdivision (b) of Section 11404. If the county mental health department or the qualified mental health professional continues to recommend out-of-home placement for the child, then the county mental health department or a qualified mental health professional shall cooperate with the responsible agency in development of the written assessment and the service plan, as well as all updates to the written assessment and the service plan, and in arranging for the treatment services identified in the service plan.

Authority: Welfare and Institutions Code Sections 10553, 10554, and 11209.

Reference: Welfare and Institutions Code Sections 11401.1, 11404.2, and 10554.

(OAL-4)
FOR FILING ADMINISTRATIVE REGULATIONS
WITH THE OFFICE OF ADMINISTRATIVE LAW

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RECEIVED FOR FILING

DEC 22 10 35 AM '83

OFFICE OF
ADMINISTRATIVE
LAW
ENDORSED
APPROVED FOR FILING

DEC 23 1983
LEAVE BLANK

1. ATTACHED ARE REGULATIONS ADOPTED,
AMENDED OR REPEALED BY:

Department of Social Services
(AGENCY)

BY: Linda S. McKeator
(AGENCY OFFICER AUTHORIZED TO SUBMIT REGULATIONS)

ORD #1183-77
FILED
In the office of the Secretary of State
of the State of California

DEC 23 1983
At 3:30 o'clock P. M.
MARCH FONG EU, Secretary of State
By: Anthony J. Malt
Deputy Secretary of State
LEAVE BLANK

AGENCY CONTACT PERSON AND POSITION Merry Benard

TELEPHONE 5-0313

2. Indicate California Administrative Code Title and specify sections to be amended, adopted, and/or repealed:

SECTIONS AMENDED 30-410.1, 30-464.2, 30-491.1

Title: _____
SECTIONS ADOPTED _____

SECTIONS REPEALED 30-500

3. TYPE OF ORDER (CHECK ONE)

- ☐ Regular ☒ Emergency (Attach Finding of Emergency) ☐ Certificate of Compliance
Other Regulatory Actions:
☐ Procedural and Organizational Change ☐ Editorial Correction ☐ Authority and Reference Citation Change

4. IS THIS ORDER A RESUBMITTAL OF A PREVIOUSLY DISAPPROVED OR WITHDRAWN REGULATION?

- ☒ No ☐ Yes, if yes give date of previous filing _____

5. IS THIS FILING A RESULT OF THE AGENCY'S REVIEW OF EXISTING REGULATIONS?

- ☒ No ☐ Yes

6. IF THESE REGULATIONS REQUIRED PRIOR REVIEW AND APPROVAL BY ANY OF THE FOLLOWING AGENCIES, CHECK THE APPROPRIATE BOX OR BOXES.

- ☐ State Fire Marshal (Attach Approval) ☐ Building Standards Comm. (Attach Approval) ☐ Fair Political Practices Comm. (Include FPPC Approval Stamp) ☐ Department of Finance (Attach STD. Form 399)

7a. PUBLICATION DATE OF NOTICE IN CALIFORNIA
ADMINISTRATIVE NOTICE REGISTER

b. DATE OF ADOPTION OF REGULATION(S)

c. DATES OF AVAILABILITY OF MODIFIED
REGULATION(S) (GOV. CODE SEC. 11346 (c))

8. WAS THIS REGULATORY ACTION SCHEDULED ON YOUR AGENCY RULEMAKING CALENDAR?

- ☒ No ☐ Yes

9. EFFECTIVE DATE OF REGULATORY CHANGES: (SEE GOVERNMENT CODE SECTION 11346.2 AND INSTRUCTIONS ON REVERSE)

- a. ☐ Effective 30th day after filing with the Secretary of State.
b. ☐ Effective on January 1, 1984 As required by statutes (11346) Emergency Filing
c. ☐ Effective on _____ (Designate effective date *earlier* than 30 days after filing with the Secretary of State pursuant to Government Code Section 11346 2(d).)
☐ Request Attached
d. ☐ Effective on _____ (Designate effective date *later* than 30 days after filing with the Secretary of State.)

Amend MPP Section 30-410.1 to read:

30-410 ELIGIBILITY

30-410

- 1 Permanent placement services shall be available as specified in Welfare and Institutions Code Sections 16508 and 16508.2.

- 11 These statutes specify the following:

- 111 Permanent placement services shall be available without regard to income to the following children:

- (a) Children judged dependent under Welfare and Institutions Code Section 300, where a review has determined that reunification, adoption, or guardianship is inappropriate.
- (b) Recipients of public assistance under any of the Aid to Families with Dependent Children programs who are wards of a legal guardian where a review has determined that reunification or adoption is inappropriate.
- (c) Children in voluntary placement pursuant to subdivision (c) of Section 11401.1

Authority: Welfare and Institutions Code Sections 10553 and 10554.

Reference: Welfare and Institutions Code Sections 10554 and 16508.2.

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Amend MPP Section 30-464.2 to read:

30-464 ADDITIONAL REQUIREMENTS FOR VOLUNTARY
PLACEMENTS (Continued)

30-464

- 2 Services shall be limited as specified in Welfare and
Institutions Code Sections 16507.3 and 16508.2.

•21 These This statutes provides that services shall be
limited to a period not to exceed six months, except as
specified below:

•211 Children who continue to meet the following
requirements as specified in Welfare and Institutions
Code Section 11401.1, will remain eligible for
permanent placement program services until January 1,
1984:

(a) Receipt by the county welfare department of a
mental health assessment by a qualified mental
health professional which:

(1) Documents that all appropriate efforts
were made to treat the child while he/she
was living in his/her home in an attempt
to keep the family together prior to the
child being voluntarily placed;

(2) Indicates the need for placement in a 24-
hour setting;

(b) Requirement for the child's placement due to
severe emotional disturbances;

(c) Requirement for appropriate treatment for the
child's emotional disturbance while in
placement;

(d) Determination that the child is not abused,
neglected, or exploited as specified in Welfare
and Institutions Code Section 300;

(e) Cooperation by the child's parent or guardian
as follows:

(1) With the county welfare department in the
provision of services specified in the
service plan;

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- (2) With the county mental health department or a qualified mental health professional in arranging for the child's treatment.
- (3) With the treatment program of the facility in which the child is placed.
- (f) Receipt by the child of an administrative review every six months beginning October 1, 1982.

Authority: Welfare and Institutions Code Sections 10553 and 10554.

Reference: Welfare and Institutions Code Sections 10554 and 16508.2.

Amend MPP Section 30-491.1 to read:

30-491 REQUIRED REVIEWS

30-491

- 1 Administrative reviews shall be conducted as specified in Welfare and Institutions Code Sections 11401, 11401.3(b), (c), and (d); 366.25, 16503, and 16507.3(a) and (b); and Section 475(5)(B) of Public Law 96-272.
- 11 These statutes specify that the agency responsible for placement and care of the child, as provided in Welfare and Institutions Code Section 11400, shall ensure that the following children in foster care placement receive administrative reviews:
 - 111 Children placed voluntarily prior to January 1, 1982.
 - (a) Voluntary placements subsequent to this date shall not be subject to review.
 - 112 Children placed in foster care pursuant to Welfare and Institutions Code Section 300(a), (b), (c), (d), or (e).
 - 113 Children freed for adoption.
 - 114 Severely emotionally disturbed children placed voluntarily in foster care pursuant to Welfare and Institutions Code Section 11401.1(c).
 - (a) Such children are subject to the special provisions of Chapter 30-500, which have been adopted to implement Welfare and Institutions Code Section 11401.3(b).
- 12 The statutes further specify that:
 - 121 The status of each child is to be reviewed periodically, but no less frequently than once every six months, either by a court or by an administrative review panel.
 - 122 It is not necessary to conduct any administrative review which would duplicate a concurrent court review.

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Authority: Welfare and Institutions Code Sections 10553 and 10554.

Reference: Welfare and Institutions Code Sections 10554, 11401, and 11401.3.

Repeal MPP Chapter 30-500:

30-500 ADMINISTRATIVE REVIEW REQUIREMENTS FOR SEVERELY EMOTIONALLY DISTURBED CHILDREN 30-500

30-501 GENERAL 30-501

1 The county welfare department shall ensure that severely emotionally disturbed children placed voluntarily in foster care pursuant to Welfare and Institutions Code Section 11401.1(c) shall receive administrative reviews as specified in Welfare and Institutions Code Section 11401.3(a)

[*11 Welfare and Institutions Code Section 11401.3(a) states in part that the term "administrative review" means a review open to the participation of the parents or guardians of a child in foster care, conducted by a panel of appropriate persons*]

2 Such reviews shall be conducted periodically, but no less frequently than once every six months

3 Nothing in these regulations shall be interpreted as preventing parent(s) or guardian(s) from terminating the voluntary placement of their child

30-502 DEFINITIONS 30-502

1 A "qualified mental health professional" means a person in one of the following categories who has had training and/or supervised professional experience in working with children and adolescents in a mental health setting and who is not currently employed by a county welfare department

[*11 Psychiatrist - A psychiatrist shall have a license as a physician and surgeon in this state and show evidence of having completed three years of graduate training in psychiatry in a program approved by the American Medical Association or the American Osteopathic Association*]

[*12 Psychologist - A psychologist shall have obtained or have been declared eligible by the psychology Examining Committee for a California license granted by the California State Board of Medical Examiners, and within]

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one year shall have been granted a California license by the California State Board of Medical Examiners and shall have two years of post doctoral experience in a mental health setting.

*13 Social Worker - A social worker shall have a master's degree from an accredited school of social work and two years post master's experience in a mental health setting or shall have obtained or have been declared eligible for a California license as a clinical social worker granted by the California State Board of Behavioral Science Examiners.

*14 Nurse - A nurse shall be licensed to practice as a registered nurse by the Board of Nursing Education and Nurse Registration in this state and possess a master's degree in psychiatric public health nursing and two years of nursing experience in a mental health setting. Additional post-baccalaureate nursing experience in a mental health setting may be substituted on a year-for-year basis for the educational requirements.

*15 Marriage, Family and Child Counselor - A marriage, family and child counselor shall have obtained a California license as a marriage, family and child counselor granted by the State Board of Behavioral Science Examiners and have received specific instruction or its equivalent as required for licensure on January 1, 1981, pursuant to Section 5751 and 5751.3 of the Welfare and Institutions Code and shall have two years of post master's experience in a mental health setting.

*2 A "representative" means an individual including an attorney, relative, friend, or other person authorized by the complainant or by the agency to act for and represent a party to a review in any and all aspects of a grievance procedure or an administrative review.

*3 A "severely emotionally disturbed child" means a child with serious impairment in the development of his/her personality as the result of a mental disorder which prevents the child from functioning in his/her own home environment at least temporarily.

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*1 The administrative review hearing for each child placed voluntarily in foster care pursuant to Welfare and

Institutions Code Section 11401.1(c) shall result in determinations as specified in Welfare and Institutions Code Section 11401.3(a).

*11 Welfare and Institutions Code Section 11401.3(a) states in part that administrative reviews shall be conducted to determine the continuing necessity for and appropriateness of the child's placement, the extent of compliance with the service plan, and the adequacy of the services provided to the child.

*2 The administrative review panel shall make recommendations as specified in Welfare and Institutions Code Section 11401.3(c)(4).

*21 Welfare and Institutions Code Section 11401.3(c)(4) states that recommendations may include any of the following:

- (1) Continuation of voluntary placement in the existing setting.
- (2) Continuation of voluntary placement in a setting more appropriate to the child's needs.
- (3) Termination of the voluntary placement.
- (4) A recommendation that proceedings be instituted to declare the child a dependent of the court under Welfare and Institutions Code Section 300.

*3 The administrative review hearing shall result in termination of the voluntary placement unless continuation is necessitated by conditions specified in Welfare and Institutions Code Section 11401.3(c).

*31 Welfare and Institutions Code Section 11401.3(c) states in general that the administrative review panel shall terminate the voluntary placement unless the panel finds that the return of the child to his or her parent or guardian would create a substantial risk of detriment to the physical or emotional well-being of the child. The county welfare department and the county mental health department or other qualified mental health professional shall have the burden of establishing this detriment.

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- *1 The county welfare department shall meet the requirements specified in Sections *2 through *8 below.
- *2 One or more administrative review panels shall be established as specified in Section 30-493*2 to ensure timely review of all cases.
 - *21 Each panel shall include three or more members as specified in Sections 30-493*21.
- *3 Hearing procedures shall be established to address the objectives specified in Section 30-503.
- *4 A written administrative review plan shall be developed, maintained, and implemented.
 - *41 The plan shall include the following:
 - *412 Requirements specified in Section 30-493*4.
 - *42 The plan may be submitted as a supplement to the plan required in Section 30-493*4.
 - *43 The plan shall be submitted to the department for approval prior to implementation as specified in Section 30-493*5.
 - *431 For children placed voluntarily pursuant to Welfare and Institutions Code Section 11401*1(c) for whom an administrative review must be conducted prior to the department's approval of the plan when necessary to assure continuation of AFDC-FE eligibility, such reviews shall be conducted in accordance with Chapter 30-500.
 - *432 The county welfare department shall notify the department of its intent to conduct administrative reviews prior to approval of the plan.
- *5 The county welfare department shall comply with the findings of the review panels.

- *1 Parties shall be allowed to participate as specified in Section 30-494.

30-506 NOTIFICATION

30-506

- 1 The county welfare department shall provide notification of the review process as specified in Section 30-495.

30-507 CONDUCT OF THE REVIEW HEARING

30-507

- 1 The services case worker (or other qualified person from the county welfare department) familiar with the case, and a county mental health department worker or other qualified mental health professional shall present summary information to the administrative review panel in the detail necessary to enable panel members to meet the objectives specified in Section 30-503.
 - 11 Information presented shall include but not be limited to the following:
 - 111 A description of the child's situation as specified in Section 30-496.
 - 112 A description of the current situation of the child's parent(s) or guardian(s).
 - 113 A description of the current overall status of the case including the continuing appropriateness of current services and placement in relation to the case plan, and expected date of accomplishment of the case plan.
- 2 The review panel shall allow comments by all hearing participants.
- 3 Hearings shall be postponed or continued as specified in Sections 30-496.3, 30-496.31, 30-496.32 and 30-496.33.

**30-508 Repealed by Manual Letter No. 83-23
(4/7/83)**

30-508

30-509 REPORTS FROM THE REVIEW PANEL

30-509

- 1 The administrative review panel shall complete or direct the completion of a written report of each review within five working days of the hearing.

*2 The report shall include the following:

*21 A summary of the child's current situation.

*22 Findings as specified in Welfare and Institutions Code Section 11401.3(c)(4).

*23 A list of any recommended changes in the case plan, in the placement, or in the services provided and time frames for the completion of these changes.

*3 The written report shall be signed by the chairperson of the review panel.

*4 The county welfare department shall distribute the report to the county mental health department or other qualified mental health professional and to those parties specified in Section 30-498.4.

30-510 SPECIAL PROVISIONS

30-510

*1 The provisions specified in Section 30-499 shall apply to the administrative reviews conducted pursuant to Division 30-500.

Authority: Welfare and Institutions Code Sections 10553 and 10554.

Reference: Welfare and Institutions Code Sections 11401.1 and 11401.3.

FOR FILING ADMINISTRATIVE REGULATIONS
WITH THE OFFICE OF ADMINISTRATIVE LAW

RECEIVED FOR FILING

DEC 19 12 41 PM '83

ENDORSED

APPROVED FOR FILING

DEC 27 1983

Office of Administrative Law
LEAVE BLANK1. ATTACHED ARE REGULATIONS ADOPTED,
AMENDED OR REPEALED BY:

Department of Social Services

(AGENCY)

BY:

(AGENCY OFFICER AUTHORIZED TO SUBMIT REGULATIONS)

FILED

In the office of the Secretary of State
of the State of California

DEC 27 1983

At 4:30 o'clock P.M.

MARCH FONG EM, Secretary of State

By:

Deputy Secretary of State

LEAVE BLANK

AGENCY CONTACT PERSON AND POSITION

Jerry Demorest, Regulations Analyst

TELEPHONE

(916) 323-0881

2. Indicate California Administrative Code Title and specify sections to be amended, adopted, and/or repealed:

SECTIONS AMENDED

Title: MPP Sections 44-203, 44-205, and 44-209

SECTIONS ADOPTED

SECTIONS REPEALED

3. TYPE OF ORDER (CHECK ONE)

☐

Regular

☒

Emergency

(Attach Finding of Emergency)

☐

Certificate of Compliance

Other Regulatory Actions:

☐Procedural and Organizational
Change☐

Editorial Correction

☐Authority and Reference
Citation Change

4. IS THIS ORDER A RESUBMITTAL OF A PREVIOUSLY DISAPPROVED OR WITHDRAWN REGULATION?

☒

No

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Yes, if yes give date of previous filing

5. IS THIS FILING A RESULT OF THE AGENCY'S REVIEW OF EXISTING REGULATIONS?

☒

No

☐

Yes

6. IF THESE REGULATIONS REQUIRED PRIOR REVIEW AND APPROVAL BY ANY OF THE FOLLOWING AGENCIES,
CHECK THE APPROPRIATE BOX OR BOXES.☐State Fire Marshal
(Attach Approval)☐Building Standards Comm.
(Attach Approval)☐Fair Political Practices Comm.
(Include FPPC Approval Stamp)☒Department of Finance
(Attach STD. Form 399)7a. PUBLICATION DATE OF NOTICE IN CALIFORNIA
ADMINISTRATIVE NOTICE REGISTER

December 16, 1983

b. DATE OF ADOPTION OF REGULATION(S)

December 9, 1983

c. DATES OF AVAILABILITY OF MODIFIED
REGULATION(S) (GOV. CODE SEC. 11346.8(c))

8. WAS THIS REGULATORY ACTION SCHEDULED ON YOUR AGENCY RULEMAKING CALENDAR?

☐

No

☐

Yes

9. EFFECTIVE DATE OF REGULATORY CHANGES: (SEE GOVERNMENT CODE SECTION 11346.2 AND INSTRUCTIONS
ON REVERSE)a. ☐ Effective 30th day after filing with the Secretary of State.b. ☒ Effective on January 1, 1984 as required by statutes: (list) Government Code Section 11346.1(d)c. ☐ Effective on _____ (Designate effective date *earlier than* 30 days after filing with the Secretary
of State pursuant to Government Code Section 11346.2(d).)☐ Request Attachedd. ☐ Effective on _____ (Designate effective date *later than* 30 days after filing with the Secretary of
State.)

(1) Amend MPP Section 44-203.21 to read:

44-203 PERSONS WHO MAY BE INCLUDED IN THE FBU (Continued) 44-203

• 2 Caretaker Relatives (Continued)

•21 A caretaker relative is the person in the home responsible for care and control of an eligible child or an otherwise eligible child(ren) who is receiving SSI/SSP (see Section 44-203.115 above).

Authority: Welfare and Institutions Code Sections 10553, 10554, and 11209.

Reference: Welfare and Institutions Code Sections 10553 and 10554; and Zapata v. Woods 137 Cal. App 3rd 858 (1982), (Order of Los Angeles Superior Court entered April 18, 1981, Nos CA 000 476 and CA 000 548).

(2) Amend MPP Section 44-205.1 to read:

44-205 PERSONS WHO ARE INCLUDED: FBU COMPOSITION

44-205

.1 General

When AFDC is requested for a child, or for the needy relative(s) of an otherwise eligible child(ren) who is receiving SSI/SSP, the determination of who is included in the FBU is made by the county and the caretaker relative of the child.

Authority: Welfare and Institutions Code Sections 10553, 10554, and 11209.

Reference: Welfare and Institutions Code Sections 10553 and 10554; and Zapata v. Woods 137 Cal, App 3rd 858 (1982), (Order of Los Angeles Superior Court entered April 18, 1981, Nos CA 000 476 and CA 000 548).

(3) Amend MPP Section 44-205.21 to read:

44-205 PERSONS WHO ARE INCLUDED: FBU COMPOSITION (Continued)44-205

.2 Establishing the FBU

.21 When an applicant for AFDC submits the Form CA 2, it includes the names of all children for whom aid is being requested. The first step in establishing the FBU is to determine the caretaker relative(s) of the children for whom aid is requested or of an otherwise eligible child(ren) who is receiving SSI/SSP. It is necessary to identify the caretaker relative(s) in order to determine if there will be one or more FBU's (see Section 44-203.21 Definition of Caretaker Relative, above).

.211 Generally, if the child is living with a parent, the parent is the caretaker relative. If the child is not living with a parent, generally the applicant will be the caretaker relative. The county must make a determination of what person or persons have responsibility for the care and control of the children for whom aid is requested based on information supplied by the applicant.

.212 An FBU without a child can be established when the only otherwise eligible child(ren) is receiving SSI/SSP. (See Section 44-205.23.)

Authority: Welfare and Institutions Code Sections 10553, 10554, and 11209.

Reference: Welfare and Institutions Code Sections 10553 and 10554; and Zapata v. Woods 137 Cal, App 3rd 858 (1982), (Order of Los Angeles Superior Court entered April 18, 1981, Nos CA 000 476 and CA 000 548).

(4) Amend MPP Section 44-205.23 to read:

44-205 PERSONS WHO ARE INCLUDED: FBU COMPOSITION (Continued)44-205

•2 Establishing the FBU (Continued)

•23 Every FBU ~~must~~ shall include at least one eligible child or pregnant woman with the following exception: a child who must be excluded pursuant to Section 44-206.1(a) shall be the basis for establishing an FBU for the needy relative(s) when the child meets the criteria specified in Section 44-203.1. The FBU shall also include the following persons living in the home:

•231 The natural or adoptive parent who is the caretaker relative of the child(ren); and

•232 The eligible child's second married or unmarried natural or adoptive parent.

Authority: Welfare and Institutions Code Sections 10553, 10554, and 11209.

Reference: Welfare and Institutions Code Sections 10553 and 10554; and Zapata v. Woods 137 Cal, App 3rd 858 (1982), (Order of Los Angeles Superior Court entered April 18, 1981, Nos CA 000 476 and CA 000 548).

(5) Amend MPP Section 44-209.22 to read:

44-209 IDENTIFICATION OF PERSONS FOR THE CLAIMING OF
FINANCIAL PARTICIPATION (Continued)

44-209

.2 Federally Eligible Persons (Continued)

.22 Adults

- .221 The caretaker relative of any federally eligible child under .21 above, or of a child who is receiving SSI/SSP who would otherwise meet the conditions of .21 above.
- .222 The second parent of a federally eligible child under .21 above, or of a child who is receiving SSI/SSP who would otherwise meet the conditions of .21 above, when the deprivation of at least one child is the incapacity or unemployment of a parent who meets federal eligibility conditions as specified in Section 41-440.4.
- .223 The spouse of an incapacitated caretaker relative when the caretaker relative is a parent of a federally eligible child under .21 above, or of a child who is receiving SSI/SSP who would otherwise meet the conditions of .21 above.

Authority: Welfare and Institutions Code Sections 10553, 10554, and 11209.

Reference: Welfare and Institutions Code Sections 10553, 10554, 10600, and 10604; and Zapata v. Woods 137 Cal. App 3rd 858 (1982), (Order of Los Angeles Superior Court entered April 18, 1981, Nos CA 000 476 and CA 000 548); 45 CFR Sections 233.10(a) and (b).

(6) Amend MPP Section 44-209.31 to read:

44-209 IDENTIFICATION OF PERSONS FOR THE CLAIMING OF
FINANCIAL PARTICIPATION (Continued)

44-209

.3 Essential Persons.

.31 An essential person is a person described in .32 below who is not a federally eligible person and who is related to a child determined to be federally eligible under .21 above, or to a child who is receiving SSI/SSP who would otherwise meet the conditions of .21 above.

Authority: Welfare and Institutions Code Sections 10553, 10554, and 11209.

Reference: Welfare and Institutions Code Sections 10553, 10554, 10600, and 10604; and Zapata v. Woods 137 Cal, App 3rd 858 (1982), (Order of Los Angeles Superior Court entered April 18, 1981, Nos CA 000 476 and CA 000 548); 45 CFR Sections 233.10(a) and (b).

ORD #883-50

FOR FILING ADMINISTRATIVE REGULATIONS
WITH THE OFFICE OF ADMINISTRATIVE LAW

RECEIVED FOR FILING

Nov 29 3 20 PM '83

OFFICE OF
ADMINISTRATIVE LAW
ENDORSED

APPROVED FOR FILING

DEC 30 1983

Office of Administrative Law
LEAVE BLANK1. ATTACHED ARE REGULATIONS ADOPTED,
AMENDED OR REPEALED BY:

Department of Social Services

(AGENCY)

BY:

(AGENCY OFFICER AUTHORIZED TO SUBMIT REGULATIONS)

8311294
FILED
In the office of the Secretary of State
of the State of California

DEC 30 1983

At 3:05 o'clock P. M.

MARCH FONG EU, Secretary of State

By Cathleen Butch
Deputy Secretary of State

LEAVE BLANK

AGENCY CONTACT PERSON AND POSITION

Janet Lombard

TELEPHONE

323-1899

2. Indicate California Administrative Code Title and specify sections to be amended, adopted, and/or repealed:

SECTIONS AMENDED

Title: 22 80000; 80001(a)(28)

SECTIONS ADOPTED

SECTIONS REPEALED

3. TYPE OF ORDER (CHECK ONE)

☒ Regular☐ Emergency
(Attach Finding of Emergency)☐ Certificate of Compliance

Other Regulatory Actions:

☐ Procedural and Organizational
Change☐ Editorial Correction☐ Authority and Reference
Citation Change

4. IS THIS ORDER A RESUBMITTAL OF A PREVIOUSLY DISAPPROVED OR WITHDRAWN REGULATION?

☒ No☐ Yes, if yes give date of previous filing _____

5. IS THIS FILING A RESULT OF THE AGENCY'S REVIEW OF EXISTING REGULATIONS?

☒ No☐ Yes6. IF THESE REGULATIONS REQUIRED PRIOR REVIEW AND APPROVAL BY ANY OF THE FOLLOWING AGENCIES,
CHECK THE APPROPRIATE BOX OR BOXES.☐ State Fire Marshal
(Attach Approval)☐ Building Standards Comm.
(Attach Approval)☐ Fair Political Practices Comm.
(Include FPFC Approval Stamp)☐ Department of Finance
(Attach STD. Form 399)7a. PUBLICATION DATE OF NOTICE IN CALIFORNIA
ADMINISTRATIVE NOTICE REGISTER

September 2, 1983

b. DATE OF ADOPTION OF REGULATION(S)

November 28, 1983

c. DATES OF AVAILABILITY OF MODIFIED
REGULATION(S) (GOV. CODE SEC. 11346.8(c))

October 14, 1983

8. WAS THIS REGULATORY ACTION SCHEDULED ON YOUR AGENCY RULEMAKING CALENDAR?

☒ No☐ Yes9. EFFECTIVE DATE OF REGULATORY CHANGES: (SEE GOVERNMENT CODE SECTION 11346.2 AND INSTRUCTIONS
ON REVERSE)a. ☐ Effective 30th day after filing with the Secretary of State.b. ☐ Effective on _____ as required by statutes: (list) _____c. ☒ Effective on January 1, 1984 (Designate effective date **earlier than** 30 days after filing with the Secretary
of State pursuant to Government Code Section 11346.2(d).)☒ Request Attachedd. ☐ Effective on _____ (Designate effective date **later than** 30 days after filing with the Secretary of
State.)

INSTRUCTIONS FOR STD 400
(OAL-4)

A completed Face Sheet for Filing Regulations With the Office of Administrative Law must be attached to the front of each of the seven copies of the regulations. Note that at least one Face Sheet must contain an original signature of the agency officer authorized to submit regulations.

Part 1. Provide agency name and signature of the agency officer. Also provide the name and telephone number of the person who can answer questions regarding this regulatory filing.

Part 2. Provide the Administrative Code Title in which the regulation will appear and list each section number to be amended, adopted, or repealed.
(Attach additional sheets if necessary.)

Part 3. Check appropriate box. If other than a regular or emergency filing or certificate of compliance, check the appropriate box under "Other Regulatory Action." Note: Procedural and organizational changes, editorial corrections and authority and reference citation changes are reviewed and are subject to OAL approval.

Part 4. Check appropriate box.

Part 5. Regulatory activity resulting from the agency's review of existing regulations should be submitted in a separate filing. If not submitted separately, regulations not resulting from the review and any material in the rulemaking file relating to them must be clearly identified.

Part 6. Certain regulatory activities must be reviewed and approved by other state agencies prior to submittal to OAL. Regulations subject to prior approval include:

- a. Fire and panic safety regulations (Gov. Code Sec. 11342.3).
- b. Building standards as defined in Section 18969 of the Health and Safety Code (Gov. Code Sec. 11343).
- c. Conflict of Interest regulations (Gov. Code Sec. 87300 et seq.).

Note: Regulations that have a fiscal impact on state, local or federal government or result in reimbursable costs to local government or school districts should be discussed with the Department of Finance. See Government Code Sections 11346.5(a) (6), 11349.1 and S.A.M. Sections 6050-6057.

Part 7. a. Provide the publication date of the Notice Register in which the initial notice regarding these regulations appeared.

b. Provide the date on which the regulatory agency adopted the regulation(s).

c. If the regulations were modified subsequent to the hearing or written comment period, provide the date the modified regulations were made available to the public. Note that this date must be at least 15 days prior to the date indicated in (b.) above.

Part 8. Check appropriate box. This information is for statistical purposes.

Part 9. Effective Dates—check one of the following:

- a. If regulations are to be effective 30 days after filing with the Secretary of State.
- b. If an effective date other than (a.) is required by statute, provide the date and the statutory citation(s).
- c. If a designated effective date is being requested, please include a letter specifying the date the regulation(s) should take effect and the reason for the earlier effective date. Requests are granted by OAL for good cause shown.
- d. If an effective date later than (a.) is requested, provide the date.

Filing Requirements

The following material must be submitted when filing regulations with OAL:

- Seven (7) copies of the regulations. Note: Use underline/strikeout to indicate changes in an existing section. Repeal of an entire section may be indicated by placing a diagonal slash through text. For adoption of new section, underscore is not required.
- A completed Face Sheet for Filing Regulations With the Office of Administrative Law, form STD 400 (OAL-4) attached to the front of each copy of the regulations, with at least one Face Sheet bearing an original signature.
- Complete rulemaking file, with index and sworn statement. (See Government Code Section 11347.3 for full list of rulemaking file contents and Appendix 13 of OAL Regulations Handbook for a rulemaking file checklist.)

Amend Section 80000 to read:

80000 GENERAL

- (a) The general regulations in this chapter shall apply to all community care facilities regulated by Division 6, Chapter 2 through 7 and Chapter 9, except where specifically exempted. Additional or special requirements found in the corresponding chapters pertaining to each category shall apply only to such individual facility categories.
- (b) The licensee shall ensure compliance with all applicable law and regulations.
- (c) An existing facility licensed as a Large Family Home for Children shall be required, by April 1, 1984, to choose one of the following licensing categories and to document the choice by completing and forwarding a form LIC 200 to the licensing agency. The facility shall be required to meet the requirements of the chosen category by July 1, 1984. Between January 1, 1984 and July 1, 1984 the facility shall comply with the requirements for Small Family Home Facilities except for changes from the previous requirements regarding capacity and physical environment.
- (1) Group Home, as specified in this Chapter and Chapter 5.
- (2) Small Family Home, as specified in this Chapter and Chapter 4.
- (A) Licensees who choose this option shall be required to reduce their facility's licensed capacity to six or fewer children.
- (3) Foster Family Home, as specified in Chapter 7.5.
- (A) Licensees who choose this option shall be required to reduce their facility's licensed capacity to six or fewer children.
- (d) An existing facility licensed as a Large Family Home for Adults, Small Family Home for Adults, or Group Home for Adults shall be required to meet the requirements for Adult Residential Facilities as specified in this Chapter and Chapter 6 by April 1, 1984. Between January 1, 1984 and April 1, 1984 the facility shall comply with the requirements for Adult Residential Facilities except for changes from the previous requirements regarding physical environment, staff

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training and provision of care and supervision to minors who are not emancipated as specified in Section 86001(a)(1) and Civil Code Section 62.

(e) An existing facility licensed as a Large Family Day Home - Adults or Small Family Day Home - Adults shall by April 1, 1984, meet the requirements for Adult Day Care Facilities. Between January 1, 1984 and April 1, 1984 the facility shall comply with the requirements for Adult Day Care Facilities except for changes from the previous requirements regarding physical environment, staff training, staff ratios, and provision of care and supervision to minors who are not emancipated as specified in Section 86001(a)(1) and Civil Code Section 62.

(f) An existing facility licensed as a Social Rehabilitation Facility shall be required by April 1, 1984 to choose one of the following licensing categories and to document the choice by completing and forwarding a form LIC 200 to the licensing agency. The facility shall be required to meet the requirements of the chosen category by July 1, 1984. Between January 1, 1984 and July 1, 1984 the facility shall comply with the requirements for Rehabilitation Facilities except for changes from the previous requirements regarding the types of clients to be served.

(1) Rehabilitation Facility, as specified in this Chapter and Chapter 7.

(2) Group Home, as specified in this Chapter and Chapter 5.

(A) Licensees who choose this option shall be required to serve only minors.

HAND-
BOOK

(3) Adult Residential Facility as specified in this Chapter and Chapter 6.

(A) Licensees who choose this option shall be required to serve only adults and/or emancipated minors as specified in Section 86001(a)(1) and Civil Code Section 62.

HAND-
BOOK

(g) An existing facility licensed as a Social Rehabilitation Center shall by April 1, 1984, meet the requirements for Adult Day Facilities. Between January 1, 1984 and April 1, 1984 the facility shall comply with the requirements for Adult Day Facilities except for changes from the previous requirements regarding physical environment, staff training, staff ratios, and provision of care and supervision to minors who are not

emancipated as specified in Section 86001(a)(1) and Civil Code
Section 62.

Authority: Health and Safety Code Sections 1530 and 1530.5

Reference: Health and Safety Code Sections 1501, 1502, 1530, and
1531.

Amend Section 80001(a)(28) to read:

80001 Definitions (Continued)

80001

(a) (Continued)

(28) "Group Home" means any facility of any capacity which provides 24-hour nonmedical care and supervision to children in a structured environment, outside of the licensee's family residence, with such services provided at least in part by staff employed by the licensee.

Authority: Welfare and Institutions Code Section 1530.

Reference: Welfare and Institutions Code Section 1502.

RECEIVED FOR FILING

FOR FILING ADMINISTRATIVE REGULATIONS
WITH THE OFFICE OF ADMINISTRATIVE LAW

ORD 683-39
Resubmission

NOV 30 1983

Office of Administrative Law
ENDORSED
APPROVED FOR FILING

DEC 30 1983

Office of Administrative Law

LEAVE BLANK

1. ATTACHED ARE REGULATIONS ADOPTED,
AMENDED OR REPEALED BY:

Department of Social Services
(AGENCY)

BY:

(AGENCY OFFICER AUTHORIZED TO SUBMIT REGULATIONS)

83-11302
FILED

In the office of the Secretary of State
of the State of California

DEC 30 1983

At 3:05 o'clock P.M.

MARCH FONG EU, Secretary of State

By: *Cathleen Petric*
Deputy Secretary of State

LEAVE BLANK

AGENCY CONTACT PERSON AND POSITION

Jerry Demorest, Regulations Analyst

TELEPHONE

323-0881

2. Indicate California Administrative Code Title and specify sections to be amended, adopted, and/or repealed:

SECTIONS AMENDED

Title: 22 MPP Sections 42-630.8 and 42-638.1 and .2

SECTIONS ADOPTED

SECTIONS REPEALED

3. TYPE OF ORDER (CHECK ONE)

☒ Regular

☐ Emergency
(Attach Finding of Emergency)

☐ Certificate of Compliance

Other Regulatory Actions:

☐ Procedural and Organizational
Change

☐ Editorial Correction

☐ Authority and Reference
Citation Change

4. IS THIS ORDER A RESUBMITTAL OF A PREVIOUSLY DISAPPROVED OR WITHDRAWN REGULATION?

☐ No

☒ Yes, if yes give date of previous filing September 27, 1983

5. IS THIS FILING A RESULT OF THE AGENCY'S REVIEW OF EXISTING REGULATIONS?

☒ No

☐ Yes

6. IF THESE REGULATIONS REQUIRED PRIOR REVIEW AND APPROVAL BY ANY OF THE FOLLOWING AGENCIES, CHECK THE APPROPRIATE BOX OR BOXES.

☐ State Fire Marshal
(Attach Approval)

☐ Building Standards Comm.
(Attach Approval)

☐ Fair Political Practices Comm.
(Include FPPC Approval Stamp)

☐ Department of Finance
(Attach STD. Form 399)

7a. PUBLICATION DATE OF NOTICE IN CALIFORNIA
ADMINISTRATIVE NOTICE REGISTER

July 1, 1983 and Nov. 16, 1983

b. DATE OF ADOPTION OF REGULATION(S)

December 1, 1983

c. DATES OF AVAILABILITY OF MODIFIED
REGULATION(S) (GOV. CODE SEC. 11346.8(c))

November 15, 1983 thru
November 29, 1983

8. WAS THIS REGULATORY ACTION SCHEDULED ON YOUR AGENCY RULEMAKING CALENDAR?

☒ No

☐ Yes

9. EFFECTIVE DATE OF REGULATORY CHANGES: (SEE GOVERNMENT CODE SECTION 11346.2 AND INSTRUCTIONS ON REVERSE)

a. ☐ Effective 30th day after filing with the Secretary of State.

b. ☐ Effective on _____ as required by statutes: (list) _____

c. ☐ Effective on _____ (Designate effective date **earlier than** 30 days after filing with the Secretary of State pursuant to Government Code Section 11346.2(d).)

☐ Request Attached

d. ☒ Effective on February 1, 1984 (Designate effective date **later than** 30 days after filing with the Secretary of State.)

INSTRUCTIONS FOR STD 400
(OAL-4)

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Part 2. Provide the Administrative Code Title in which the regulation will appear and list each section number to be amended, adopted, or repealed.
(Attach additional sheets if necessary.)

Part 3. Check appropriate box. If other than a regular or emergency filing or certificate of compliance, check the appropriate box under "Other Regulatory Action." Note: Procedural and organizational changes, editorial corrections and authority and reference citation changes are reviewed and are subject to OAL approval.

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- b. Building standards as defined in Section 18969 of the Health and Safety Code (Gov. Code Sec. 11343).
- c. Conflict of Interest regulations (Gov. Code Sec. 87300 et seq.).

Note: Regulations that have a fiscal impact on state, local or federal government or result in reimbursable costs to local government or school districts should be discussed with the Department of Finance. See Government Code Sections 11346.5(a) (6), 11349.1 and S.A.M. Sections 6050-6057.

Part 7. a. Provide the publication date of the Notice Register in which the initial notice regarding these regulations appeared.

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c. If the regulations were modified subsequent to the hearing or written comment period, provide the date the modified regulations were made available to the public. Note that this date must be at least 15 days prior to the date indicated in (b.) above.

Part 8. Check appropriate box. This information is for statistical purposes.

Part 9. Effective Dates—check one of the following:

- a. If regulations are to be effective 30 days after filing with the Secretary of State.
- b. If an effective date other than (a.) is required by statute, provide the date and the statutory citation(s).
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- d. If an effective date later than (a.) is requested, provide the date.

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- A completed Face Sheet for Filing Regulations With the Office of Administrative Law, form STD 400 (OAL-4) attached to the front of each copy of the regulations, with at least one Face Sheet bearing an original signature
- Complete rulemaking file, with index and sworn statement. (See Government Code Section 11347.3 for full list of rulemaking file contents and Appendix 13 of OAL Regulations Handbook for a rulemaking file checklist.)

Amend MPP Section 42-630.8 to read:

42-630 EXEMPTIONS SUMMARIZED (Continued)

42-630

- 8 The parent or other caretaker relative of a child under six who is personally providing full-time care for the child with only very brief and infrequent absences from the child (Code 08).

Authority: Welfare and Institutions Code Sections 10553 and 10554.

Reference: Welfare and Institutions Code Section 11310; 45 CFR 224.20(b) (8).

Amend Section 42-638.1 and .2 to read:

42-638 EXEMPTION BASED ON THE CARE OF A CHILD
UNDER SIX (CODE 08)

42-638

.1 The Exemption

The parent or other caretaker relative of a child under age six who is personally providing full-time care for the child with only very brief and infrequent absences from the child is exempt from WIN registration.

.11 All temporary absences from the child (see Section 44-203.32) shall be considered very brief and infrequent except for those which occur because the parent or other caretaker relative is attending college full-time.

.111 Full-time attendance shall be defined by the college.

.112 College is defined as a two-year college, four-year college, or university which offers an Associate in Arts, a baccalaureate, or other similar degree.

.2 Documentation

.21 Documentation for the exemption of a caretaker parent or other caretaker relative of a child under age six is:

(a) Any document which substantiates the age of the child; and

(b) Any document which substantiates that the parent or other caretaker relative is personally providing full-time care for the child and is not attending college full time in accordance with the provisions of Section 42-638.8 42-638.1. The caretaker's sworn statement under penalty of perjury shall be considered sufficient for this purpose.

Authority: Welfare and Institutions Code Sections 10553 and 10554.

Reference: Welfare and Institutions Code Section 11310; 45 CFR 224.20(b)(8).